

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF

**MARCH 5, 1999**

(Published March 13, 1999,  
in Finance and Commerce)

Council Chamber  
Minneapolis, Minnesota  
March 5, 1999 – 9:30 a.m.

President Cherryhomes in the Chair.

Present – Council Members Campbell,  
Biernat, Niland, Goodman, Colvin Roy, Herron,  
Mead, Minn, McDonald, Johnson, Thurber,  
Ostrow, President Cherryhomes.

Campbell moved acceptance of the minutes  
of the adjourned session held February 11, the  
special meeting of February 12, and the regular  
meeting of February 19, 1999. Seconded.

Adopted upon a voice vote.

Campbell moved referral of petitions and  
communications and reports of the City officers to  
proper Council committees and departments.

Seconded.

Adopted upon a voice vote.

### **PETITIONS AND COMMUNICATIONS**

#### **COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY DEVELOPMENT AGENCY,  
MINNEAPOLIS (MCDA) (264592)

Tax Forfeit Properties: Resolution classifying  
approximately 38 properties as non-conservation  
for various dispositions.

Single Family Mortgage Revenue Bonds:  
Resolution providing for the recycling of program  
monies.

American Red Cross (11 Dell Pl): Authorize  
agreement defining conditions of sale of property.

CSM Hotel/Parking/Housing Project (2nd St  
& 5th Ave N): Concept approval of development

proposal for TownPlace Suites by Marriott Hotel,  
rental housing & parking.

#### **COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY DEVELOPMENT AGENCY,  
MINNEAPOLIS (MCDA) (264593)

LaSalle Plaza: Appropriation increase to cover  
legal expenses re Golden Spike.

Mann Theater/Stimson Bldg: Conveyance of  
ownership to MCDA.

South East Mpls Industrial (SEMI) Area Phase  
I: Appropriation increases to cover costs of  
removing contaminated soil.

SEMI Phase V: Allocation of \$520,381 from  
MILES set aside for acquisition of Bolander  
property at 620 Malcolm Ave & appropriation  
increases.

#### **INTERGOVERNMENTAL RELATIONS:**

COUNCIL MEMBER THURBER (264596)  
Hennepin County Criminal Justice System  
Assessment, a/k/a Kalmanoff Report.

LICENSES AND CONSUMER SERVICES  
(264597)

Massage Therapists: H.F. 685 which would  
establish a registration system; Analysis of bill.

POLICE DEPARTMENT (264598)

Gun control: Comments on available pool of  
guns in community w/graph; Bureau of Alcohol,  
Tobacco & Firearms information sheet on Youth  
Crime Gun Interdiction Initiative; Memo re police  
custody of firearms taken from people threatening  
suicide.

MINNESOTA CHAMBER OF COMMERCE  
(264599)

Health care plans: Minnesota Chamber of  
Commerce: Information sheet opposing &  
analyzing S.F. 953 & S.F. 52 relating to Atty  
General's proposal for patient protection,  
w/attachs.

Council Member McDonald: "Managed Care's Other Problem: It's Not What You Think", New York Times, 2/28/99.

**HEALTH AND HUMAN SERVICES:**

HEALTH AND FAMILY SUPPORT SERVICES (264594)

Legislative/Policy Development: Proposed 1999 legislative agenda.

CityWorks Program: Update evaluation.

Sexually Transmitted Disease Initiative: Report.

Employment & Training: Second quarter 1998 Program Status Report, w/attachment.

**HEALTH AND HUMAN SERVICES (See Rep):**

HEALTH AND FAMILY SUPPORT SERVICES (264595)

Welfare-to-Work Father's Project: Issue Fund Availability Notice to Resource Inc to provide employment and training services to non-custodial parents of children enrolled in Minnesota Family Investment Plan.

Public Health Consulting Services: Rescind report passed 1/22/99 to amend agreement with Michael Finch; and Execute new contract for period 1/1/99 through 12/31/99 for consulting services related to community health assessment surveys.

**INTERGOVERNMENTAL RELATIONS**

**(See Rep):**

ATTORNEY (264600)

Municipal Liability: Support S.F. 556, expanding City's immunity from liabilities to claims arising from bicycle trails.

COORDINATOR-LIAISON/FEDERAL, LOCAL AND STATE (264601)

Federal lobbying consultant: Authorize issue RFP.

HEALTH AND FAMILY SUPPORT SERVICES (264602)

Legislative Agenda: Dept of Health & Family Support: Proposed Legislative Agenda w/additional high priority 6 re family planning; Comments on lower infant deaths, limiting youth access to alcohol & tobacco settlement; Clarification of Tobacco settlement set-aside; Minnesota Clean Indoor Air Act w/attachments.

Smoke Free Coalition: Summary of court recommendation for tobacco settlement set-aside.

LIAISON/FEDERAL, LOCAL AND STATE (264603)

Airport expansion impact: Support bill authorizing airport impact zones & TIF districts in Bloomington, Minneapolis & Richfield; Summary of bill.

Criminal Justice Information System: Support H.F. 1118 requiring integrated information systems in counties statewide.

LIAISON/ FEDERAL, LOCAL AND STATE (264604)

Gun control: Oppose S.F. 274 & H.F. 844 re firearms, providing permits must be issued to responsible, competent adults.

**PUBLIC SAFETY AND REGULATORY SERVICE:**

FINANCE/MANAGEMENT ANALYSIS (264605)

Inspections Project Scope Outline: Draft of Operational Review of Selected Business Practices, w/attachment.

**PUBLIC SAFETY AND REGULATORY**

**SERVICES (See Rep):**

LICENSES AND CONSUMER SERVICES (264606)

Licenses: Applications.

POLICE DEPARTMENT (264607)

National Night Out: Waive block event fee for applications received by close of business Tuesday, July 6, 1999; Authorize charge \$15 fee for applications filed between July 7th and July 20th; and Deny applications received after July 20th.

Metropolitan Council Indemnification Agreement: Draft, negotiate and execute agreement to provide for Metropolitan Council to defend and indemnify the City, including police officers employed by the Transit Police, to perform law enforcement functions.

**PUBLIC SAFETY AND REGULATORY**

**SERVICES and TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/ BUDGET (See Rep):**

PUBLIC WORKS AND ENGINEERING (264608)

Watershed Districts: Negotiate and execute revision to the Bassett Creek Water Management Commission Joint Powers Agreement and existing Joint and Cooperative Agreement for the Middle Mississippi River Watershed Management Organization to provide for realignment of boundaries between the two jurisdictions

**PUBLIC SAFETY AND REGULATORY  
SERVICES and WAYS & MEANS/BUDGET  
(See Rep):**

**INSPECTIONS DEPARTMENT (264609)**

Sensitive Surface Graffiti Abatement: Extend contracts with Sani-Masters, Inc and Graffiti Removal Service, until new contracts are authorized, to provide businesses and neighborhoods with abatement services during winter months, as weather permits.

**POLICE DEPARTMENT (264610)**

School Patrol Program: Accept vehicle donation from Automobile Association of America (AAA), valued at \$20,000, to enhance City's Program.

**TRANSPORTATION AND PUBLIC WORKS:  
PUBLIC WORKS AND ENGINEERING  
(264611)**

Traffic Calming: The Administrative Process.

**TRANSPORTATION AND PUBLIC WORKS  
(See Rep):  
PUBLIC WORKS AND ENGINEERING  
(264612)**

Public Works Facilities, Currie Av Project: Increase contract with Enecotech Midwest for environmental consulting services.

Bicycle Advisory Committee: Accept resignation of chairperson Tom Becker and concur with committee recommendation to appoint Jon Wertjes as new chairperson.

Greyhound Bus Terminal: Agreement changing the current lease agreement for the interim bus terminal at 1100 Hawthorne Av.

Former Greyhound Bus Depot (29 N 9th St): Solicit bids for regulated material removal.

**TRANSPORTATION AND PUBLIC WORKS  
and WAYS & MEANS/BUDGET  
(See Rep):  
PUBLIC WORKS AND ENGINEERING  
(264613)**

Municipal Parking System Audit: Contract with KPMG Peat Marwick LLP to conduct operational/functional review.

Shingle Creek Stormwater Wetland Project: Appropriation increase for receipt of Metropolitan Council grant funds.

First St. S Bridge Project: Appropriation increase for receipt of State Bridge Bond funds.

Hawthorne Transportation Center: Final plans and specifications and request for authorization to solicit bids with certain add-on

alternatives; Comments from St. Andrews Golf Academy re negotiations on indoor golf facilities project.

St. Andrews Golf Academy (SAGA): Proposal for memorandum of understanding regarding terms under which SAGA could continue to structure their proposal for a golfing facility on the Hawthorne Transportation Center.

**PURCHASING (264614)**

Bids: Accept a) OP #4939, low bid meeting specifications of Davco, Inc. for double disc check valves for the Public Works Water Department; b) OP #5065, low bids of Fischer Sand and Aggregate Company and Camas, Inc. for furnishing and delivering coarse aggregate and mineral filler to the Public Works Asphalt Plant; c) OP #5064, low bid of Barton Sand and Gravel Company for furnishing and delivering graded aggregates to the Public Works Asphalt Plant through December 31, 1999; d) OP #5067, low bids of Dresser Trap Rock, Inc. and Meridian Aggregates Company for furnishing and delivering coarse aggregate to the Public Works Asphalt Plant; e) OP #5063, low bid of Dresser Trap Rock, Inc. for furnishing and delivering graded aggregates to the Public Works Asphalt Plant; f) OP #5069, low bid of Edward Kramer and sons for construction of the 1st St S Bridge Project.

**SOLID WASTE AND RECYCLING DIVISION  
(264615)**

Recycling Grant: Direct staff to submit application to Hennepin County to receive SCORE funds for the Minneapolis Recycling Program in 1999.

**WAYS AND MEANS BUDGET:**

**FINANCE DEPARTMENT (264616)**

Travel Expenses: Receive & File 4th Quarter 1998 Report.

**PURCHASING (264617)**

Staff Purchasing Letters: Receive & File.

**WAYS AND MEANS BUDGET (See Rep):**

**ATTORNEY (264618)**

Settlements: Authorize settlement of Georgiy Yeysin & Lyubov Yeysina; Tracey Murray; Imperial Casualty & Indemnity.

Legal Services: Extend contract with Jeffrey R. Brauchle, Esq.

Community Justice Grant: Accept City's portion of grant, execute agreement w/Hennepin County, authorize .5 FTE in City Attorney's Office.

Schnitzer Site Cost Recovery Process: Authorize City Attorney's Office to accept payment to Settlement Fund.

**COMMUNICATIONS (264619)**

Minneapolis Telecommunications Network: Extend contract w/MTN.

**COORDINATOR (264620)**

Portland Place Project: Submit grant appl.

Minneapolis Neighborhood Early Warning System: Submit grant appl.

Urban Village Project: Submit grant appl.

Great Lake Center (Sears Redevelopment): Submit grant appl.

Penn/Lowry Redevelopment Project: Submit grant appl.

Dania Hall Restoration: Submit grant appl.

**EMERGENCY COMMUNICATIONS**

**CENTER (ECC) (264621)**

Emergency Communications Phone Equipment: Contract w/U. S WEST.

**ESTIMATE AND TAXATION (264622)**

Technical Adjustments: Authorize adjustments to Capital Improvement Appropriation Resolution of 1999 and related resolutions.

**FINANCE DEPARTMENT (264623)**

1998 Year-End Budget Status: Data relating to 1998 appropriation increases and re-appropriations from 1998 to 1999.

**HUMAN RESOURCES (264624)**

Preliminary Workforce Planning Report: Approve report & staff direction to continue steps outlined.

Public Works & Traffic Engineering Positions: Eliminate & reinstate certain titles.

**INFORMATION & TECHNOLOGY**

**SERVICES (264625)**

Information & Technology Services relating to Y2K: Contract w/Keane, Inc.

**PLANNING COMMISSION:**

**COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (264626)**

Permission to vacate alley in block bounded by LaSalle & Nicollet Aves, 9th & 10th Sts.

**BENSON, ROGER W (264627)**

Permission to vacate alley vicinity of 4840 6th St N.

**FILED:**

**CITY CLERK/SPECIAL PERMITS (264628)**

1st Av S, 2523 (Southside Neighborhood Housing Services) move house; 4th St & Nicollet Mall (Mpls Downtown Council) RibFest; 7th St S, 45 (Nordquist Sign) sign; 32nd St E, 2610 (Attracta

Sign) sign; 37th Av NE, 1820 (Lawrence Sign) sign; 50th St W, 2309 (Leroy Signs) sign; Hennepin Av from 10th to 4th (Mpls Downtown Council) Aquatennial block party; Hennepin Av, 2600 (Universal Signs Inc) sign; Lyndale Av S, 5516 (Top Line Advertising) sign; Lyndale Av S, 6150 (Nordquist Sign Co) sign; Main St SE in front of St Anthony Main/Riverplace (St Anthony Main) Stone Arch Festival & Riverfront July 4th Weekend; Nicollet Mall (James Fieger) animals; Winter St NE, 2700 (Nordquist Sign Co) sign.

**HENNEPIN COUNTY COMMISSIONERS (264629)**

Municipal Building Commission Director, Jose Cervantes, appointed February 5, 1999.

**CITY COUNCIL (264628.1)**

**FILED (See T&PW Rep):**

Public Works Commendations: Recognizing employees for public service contributions to Minneapolis.

**REPORTS OF  
STANDING COMMITTEES**

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

**Comm Dev** – Your Committee, having under consideration a review of tax-forfeited properties, now recommends passage of the accompanying resolution approving the classification of approximately 38 of those properties as non-conservation for various disposition, including withholding from public and private sale and conveyance to the Minneapolis Community Development Agency (MCDA), conveyance of one property previously designated as non-conservation and withheld from sale to the MCDA, release for public sale, release for private sale and reconveyance of the parcel at 1826 – 15th Ave to Hennepin County for demolition and redevelopment (Petn No 264592).

Your Committee further recommends that the proper City officers be authorized to execute all necessary documents.

Your Committee further recommends summary publication of the above-described resolution.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA for adoption of a resolution authorizing the submission of an application to the Commissioner of Revenue and Hennepin County for the conveyance of said property.

Adopted. Yeas, 13; Nays none.  
Passed March 5, 1999.  
Approved March 11, 1999. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

Resolution 99R-039, entitled "Approving the classification of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation and the conveyance thereof," was passed March 5, 1999 by the City Council and approved March 11, 1999 by the Mayor. It designates the following parcels as non-conservation land, to be withheld from public and private sale and conveyed to the Mpls Community Development Agency (MCDA): 3517-3rd Ave S, 3653/3657-4th Ave S, 3024 Emerson Ave N, 425-20th Ave NE, 2326 Monroe St NE, 316-21st Ave N, 1705-2nd St N, 2009 Willow Ave N, 2300 James Ave N, 2305 James Ave N, 1413-18th Ave N, 1523 Logan Ave N, 2215 Thomas Ave N, 1650 Vincent Ave N, 1333 Washburn Ave N, 1018 Irving Ave N, 818 Newton Ave N, 2809 Harriet Ave S, 1106-22nd St E, 2424-10th Ave S, 1312 E 28th St.

It designates 541-36 ½ Ave NE, previously designated as non-conservation land and withheld from public and private sale, to be conveyed to the MCDA.

It designates the following parcels as non-conservation land and released for public auction: 3152-35th Ave S, 3808-42nd Ave S, 1512-36th St E, 3729-2nd Ave S, 3102 Russell Ave N, 3211 Morgan Ave N, 1024-30th Ave N, 420-31st Ave N, 2640 Polk St NE, 2420-4th St N, 2223 Ilion Ave N, 2101-5th Ave S, 2927 Park Ave, 5125 Chowen Ave S.

It designates the following parcels as non-conservation land and released for private sale: 2301 ½-6th St N, 2404 ½ Dupont Ave S, 629-28th St E.

The full text of the resolution is available for public inspection in the Office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 99R-039**  
**By Niland**

**Approving the classification of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation and the conveyance thereof.**

Whereas, the City Council of the City of Minneapolis, Hennepin County, Minnesota, has been advised by the County of Hennepin, Minnesota, that certain parcels of land in said City have become the property of the State of Minnesota under the provision of law declaring the forfeiture of lands to the State for nonpayment of taxes;

Now, Therefore, Be It Resolved by The City Council of the City of Minneapolis:

That the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the property listed below be withheld from public and private sale and conveyed to the Minneapolis Community Development Agency (MCDA).

**TAX FORFEITED PROPERTIES TO BE ACQUIRED BY THE MCDA**

<b>PIN NUMBER</b>	<b>ADDRESS</b>	<b>FORFEIT DATE</b>	<b>LEGAL DESCRIPTION</b>
03-028-24-41-0096	3517 - 3 <sup>rd</sup> Ave S	8/20/98	LOT 24 BLOCK 5 CLINTON AVENUE ADDITION TO MINNEAPOLIS
03-028-24-44-0091	3653/3657 - 4 <sup>th</sup> Ave S	8/20/98	LOTS 9 & 10 BLOCK 7 VINTON PARK ADDITION TO MINNEAPOLIS

# MARCH 5, 1999

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09-029-24-42-0021	3024 Emerson Ave N	8/20/98	LOT 20, BLOCK 9 "SILVER LAKE ADDITION" TO MINNEAPOLIS
11-029-24-34-0043	425 - 20 <sup>th</sup> Ave NE	8/20/98	WEST ½ OF EAST ½ OF LOTS 1 AND 2, BLOCK 4 COBB'S ADDITION TO ST. ANTHONY
11-029-24-42-0099	2326 Monroe St NE	8/20/98	THE NORTH 5 FT OF LOT 5 AND THAT PART OF LOT 6 LYING SOUTH OF A LINE RUNNING FROM A POINT IN THE EAST LINE OF SAID LOT DIS 26 6/10 FT SOUTH FROM NORTHEAST CORNER THEREOF TO A POINT IN WEST LINE DIS 26 89/100 FT SOUTH FROM NORTHWEST CORNER EXCEPT EAST 30 FT TAKEN FOR STREET, LOTS 5 AND 6 BLOCK 18 LENNON AND NEWELL'S ADDITION TO SAINT ANTHONY
15-029-24-23-0075	316 - 21 <sup>st</sup> Ave N	7/1/86	LOT 11, BLOCK 1 RENOS ADDITION TO MINNEAPOLIS
15-029-24-31-0110	1705 - 2 <sup>nd</sup> St N	10/15/98	LOTS 2,3 AND 4 BLOCK 30 BASSETT, MOORE AND CASE'S ADDITION TO THE TOWN OF MINNEAPOLIS
16-029-24-22-0148	2009 Willow Ave N	8/20/98	LOT 9, BLOCK 20 "FORESTS HEIGHTS"
16-029-24-23-0017	2300 James Ave N	8/20/98	LOT 21, BLOCK 18 "FOREST HEIGHTS"
16-029-24-23-0020	2305 James Ave. N.	8/20/98	LOT 9, BLOCK 19 "FOREST HEIGHTS"
16-029-24-31-0021	1413 - 18 <sup>th</sup> Ave N	8/20/98	LOT 4, BLOCK 4 NORTH HIGH SCHOOL ADDITION TO MINNEAPOLIS
16-029-24-33-0086	1523 Logan Ave N	8/20/98	LOT 3, BLOCK 1 "ROSEDALE PARK"
17-029-24-13-0078	2215 Thomas Ave N	8/20/98	LOT 003, BLOCK 011 "SUB DIVISION OF LOTS IN FERRANTS 1 <sup>ST</sup> ADDITION TO MINNEAPOLIS"
17-029-24-42-0104	1650 Vincent Ave N	8/20/98	LOT 26, BLOCK 2 "HAZEL DELL ADDITION TO MINNEAPOLIS"
17-029-24-43-0058	1333 Washburn Ave N	8/20/98	SOUTH 62 4/10 FT OF NORTH 266 6/10 FT OF EAST 37 5/10 FT OF LOT 19 AND SOUTH 62 4/10 FT OF NORTH 266 6/10 FT OF LOT 20 EXCEPT STREET, LOTS 19 AND 20 AUDITOR'S

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21-029-24-21-0174	1018 Irving Ave N	9/10/98	SUBDIVISION NO. 046 HENNEPIN COUNTY, MINN. LOT 7, BLOCK 8 "OAK PARK ADDITION TO MINNEAPOLIS"
21-029-24-23-0161	818 Newton Ave N	8/20/98	LOT 19, BLOCK 22 "OAK PARK ADDITION TO MINNEAPOLIS"
34-029-24-33-0030	2809 Harriet Ave S	8/20/98	LOT 12, BLOCK 2 "EXCELSIOR ADDITION TO MINNEAPOLIS"
35-029-24-21-0097	1106 - 22 <sup>nd</sup> St E	8/20/98	COMMENCING ON SOUTH LINE OF BLOCK 1 AT A POINT 34 FT WEST OF SOUTHEAST CORNER THENCE NORTH 90 FT THENCE WEST 30 FT THENCE SOUTHWESTERLY TO A POINT 68 FT WEST OF EAST LINE OF LOT 5 AND 86 FT NORTH OF SOUTH LINE OF LOT 6 THENCE SOUTH 86 FT THENCES EAST 34 FT TO BEGINING LOTS 5 AND 6, BLOCK 1 J. L. JOHNSONS ADDITION TO MINNEAPOLIS
35-029-24-24-0166	2424 - 10 <sup>th</sup> Ave S	8/20/98	LOT 20 MELVILLE'S REARRANGEMENT IN BLOCKS THREE (3) AND SIX (6) BRACKETT AND BOVEY'S ADDITION TO MINNEAPOLIS
35-029-24-42-0224	1312 E 28 <sup>th</sup> St	6/4/92	LOT 5, BLOCK 9 WRIGHTS ADDITION

Be It Further Resolved that the parcel located at 541 - 36 ½ Ave NE, 02-029-24-21-0033, forfeited on 9/18/97, which has been previously designated as non-conservation land and withheld from public and private sale by the MCDA, be conveyed to the MCDA.

Be It Further Resolved that the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the property listed below be released for public auction:

<b>PID Number</b>	<b>Address</b>
06-028-23-21-0073	3152 - 35 <sup>th</sup> Ave S
07-028-23-12-0002	3808 - 42 <sup>nd</sup> Ave S
02-028-24-42-0135	1512 - 36 <sup>th</sup> St E
03-028-23-43-0010	3729 - 2 <sup>nd</sup> Ave S
08-029-24-41-0139	3102 Russell Ave N
09-029-24-23-0148	3211 Morgan Ave N
09-029-24-41-0219	1024 - 30 <sup>th</sup> Ave N
10-029-24-32-0038	420 - 31 <sup>st</sup> Ave N
12-029-24-23-0091	2640 Polk St NE
15-029-24-22-0198	2420 - 4 <sup>th</sup> St N

16-029-24-21-0180	2223 Ilion Ave N
34-029-24-11-0111	2101 - 5 <sup>th</sup> Ave S
35-029-24-33-0087	2927 Park Ave
17-028-24-32-0058	5125 Chowen Ave S

Be It Further Resolved that the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the property listed below be released for private sale:

PID Number	Address
15-029-24-22-0230	2301 ½ 6 <sup>th</sup> St N
33-029-24-13-0112	2404 ½ Dupont Ave S
35-029-24-33-0008	629 - 28 <sup>th</sup> St E

Be It Further Resolved that this matter be referred to the MCDA for authorization to submit an application to the Commissioner of Revenue and the County of Hennepin for the conveyance of said property pursuant to the provisions of Minnesota Statutes 282.01, Subd. 1 and Subd. 1a, as amended by Laws 1990. Chapter 604, Article 3, Section 37.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** – Your Committee recommends passage of the accompanying resolution approving a program of refunding Single Family Mortgage Revenue Bonds to provide for the recycling of program monies to make additional loans for low or moderate persons and families and approving and authorizing the execution of various documents in connection therewith, as set forth in Petn No 264592.

Your Committee further recommends summary publication of the above-described resolution and that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 99R-040, approving a program of refunding Single Family Mortgage Revenue Bonds to provide for the recycling of program monies to make additional loans for low or moderate persons and families and approving and authorizing the execution of various documents in connection therewith was passed March 5, 1999 by the City Council and approved March 11, 1999 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 99R-040**

**By Niland**

**Approving a program of refunding Single Family Mortgage Revenue Bonds to provide for the recycling of program monies to make additional loans for low or moderate persons and families and approving and authorizing the execution of various documents in connection therewith.**

Whereas, the City of Minneapolis (the City), either (a) on its own behalf, (b) acting through the Minneapolis Community Development Agency (the MCDA), or (c) acting through the Minneapolis/



Saint Paul Housing Finance Board (the MHFB), pursuant to that certain Joint Powers Agreement, as amended, by and between the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (the HRA), the MCDA and the City of Minneapolis (Minneapolis) and accepted by the City of Saint Paul (Saint Paul), from time to time has issued individually or jointly with other issuers various series of single family mortgage revenue bonds, including, without limitation, the following Single Family Mortgage Revenue Bonds or Refunding Bonds:

Single Family Mortgage Revenue Bonds or Refunding Bonds:	Issue Date
Phase IV, Series A, B & C	5/1/87
Phase V, Series A, B & C	11/1/87
Phase VI, Series B	8/1/88
Phase VII, Series A	4/13/89
Phase VIII, Series A	2/8/90
Phase IX, Series A	8/29/91
Phase X, Series A	11/30/94; 9/1/96
Phase XI, Series A & B	7/23/97
Phase XII, Series A & B	12/29/98
Phase II Refunding, Series A and Series B	6/6/96
Saint Paul Middle Income, Phase I	12/1/91 (supplemented 6/1/94)
Saint Paul Middle Income, Phase II	3/6/95
Saint Paul Middle Income, Phase III	4/15/97
Home Ownership and Renovation, Phase I	7/1/89
Home Ownership and Renovation, Phase II	6/1/91
Home Ownership and Renovation, Phase III	12/1/93
Home Ownership Program, Phase V	1/5/95
Home Ownership Program	8/11/98
Convertible Option Bonds, Series A & B	12/29/98

(the Prior Bonds), for the purpose of providing below-market interest rate financing to low and moderate income persons and families (Qualified Buyers); and

Whereas, the federal tax law permits the issuance of tax-exempt refunding bonds to refund certain principal amounts of the Prior Bonds as they mature or become subject to redemption prior to maturity; and

Whereas, it is the policy of the City to "recycle" the resource represented by the Prior Bonds by issuing refunding bonds (the Refunding Bonds) to the greatest extent possible to provide for the origination of additional single family loans to Qualified Buyers; and

Whereas, because the various series of Refunding Bonds are due and become subject to redemption at various times during the calendar year in relatively small principal amounts which can not efficiently and economically be refunded by the issuance of separate series of refunding bonds, the City, in cooperation with the MCDA, Saint Paul and the MHFB, proposes that there be deposited in certain escrow accounts moneys sufficient, from time to time, to provide for the refunding of the Prior Bonds, and to periodically issue Refunding Bonds in principal amounts sufficient to reimburse such escrow deposits;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. The Executive Director of the MCDA or his or her designee, is hereby authorized and directed to take such actions as are necessary or convenient to implement the City's policy of maximizing the resource represented by the Prior Bonds. Without limiting the generality of the foregoing, the Executive Director is specifically authorized to execute and deliver, from time to time, escrow agreements and to do all other things necessary or convenient to provide for the deposit of funds made available by the City, the MCDA or the MHFB (Escrow Deposits) to refund Prior Bonds becoming due or subject to prepayment from time to time.

2. The City intends to issue, or to cooperate with the MCDA, the MHFB and Saint Paul in the issuance of, the Refunding Bonds at such times and in such amounts as are effective and economical,

in an aggregate principal amount from time to time identified by the Executive Director of the MCDA, or his or her designee in writing and filed in the official records of the MCDA, and estimated to be between \$30,000,000 and \$40,000,000 in 1999, to reimburse the City, the MCDA or the MHFB for any and all Escrow Deposits described in paragraph 1, all for the purpose of providing for the origination of additional single family mortgage loans to be made to Qualified Buyers.

3. All actions of the members, employees and staff of the City Council and the MCDA heretofore taken in furtherance of the policies of the City stated herein are hereby approved, ratified and confirmed.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** – Your Committee, having under consideration conceptual approval of the CSM Corporation proposal for development of TownPlace Suites by Marriott (146 rooms), a 40 unit apartment building and 199 stalls of parking, with approximately 100 being for public use, to be located at 2nd St and 5th Ave N on a site formally owned by CP Rail and used for surface parking, now recommends that the proper officers of the Minneapolis Community Development Agency be directed to determine if the proposal is feasible, as set forth in Petn No 264592, and if so, determine the amount of public assistance that is required and to negotiate terms and conditions with CSM Corporation for the redevelopment of the site to include moderate income rental housing and public parking. Any public assistance required will not exceed the amount of new taxes generated.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

#### **VETOED BY THE MAYOR**

**Comm Dev** – Your Committee, having under consideration the property at 11 Dell Place presently owned by the American Red Cross, now recommends that the proper officers of the Minneapolis Community Development Agency (MCDA) be authorized to proceed with the

purchase of the American Red Cross site at 11 Dell Place under the City's first right of refusal, as set forth in Petn No 264592, to take control of the site in order to secure its use for residential mixed use or other compatible uses.

Your Committee further recommends passage of the accompanying resolution increasing the MCDA appropriation in Fund SDA0 (Development Account) by \$1,500,000.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Vetoed March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 99R-041**

**By Niland**

#### **Amending The 1999 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SDA0 – Development Account by \$1,500,000 from fund balance.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Vetoed March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(See Unfinished Business next meeting)

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**Comm Dev & W&M/Budget** – Your Committee, having under consideration legal expenses for the condemnation case involving Golden Spike, as part of the LaSalle Plaza acquisitions, now recommends passage of the accompanying resolution increasing the Minneapolis Community Development Agency appropriation in Fund CPM0 (LaSalle Place) by \$92,000 to cover actual and potential legal expenses.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.  
Approved March 11, 1999. S. Sayles Belton,  
Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-042**  
**By Niland and Campbell**

**Amending The 1999 Minneapolis  
Community Development Agency  
Appropriation Resolution.**

Resolved by The City Council of The City of  
Minneapolis:

That the above-entitled resolution, as  
amended, be further amended by increasing the  
appropriation in Fund CPM0 – LaSalle Place by  
\$92,000 from projected fund balance.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes,  
President of Council.

Approved March 11, 1999. S. Sayles Belton,  
Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** – Your  
Committee recommends that the proper City  
officers be authorized and directed to convey  
ownership of the Mann Theater/Stimson Building,  
700-710 Hennepin Ave, to the Minneapolis  
Community Development Agency (MCDA) at the  
earliest opportunity for purpose of property/project  
management, relocation services and benefits,  
environmental survey/remediation and future sale  
for redevelopment, as set forth in Petn No 264593.

Your Committee further recommends  
passage of the accompanying resolution  
increasing the MCDA appropriation in Fund SDA0  
(Development Account) by \$270,000.

Your Committee further recommends that  
this action be transmitted to the Board of  
Commissioners of the Minneapolis Community  
Development Agency (MCDA).

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton,  
Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-043**  
**By Niland and Campbell**

**Amending The 1999 Minneapolis  
Community Development Agency  
Appropriation Resolution.**

Resolved by The City Council of The City of  
Minneapolis:

That the above-entitled resolution, as  
amended, be further amended by increasing the  
appropriation in Fund SDA0 – Development  
Account by \$270,000 from available fund balance.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes,  
President of Council.

Approved March 11, 1999. S. Sayles Belton,  
Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** – Your  
Committee, having under consideration the  
removal of contaminated soils for Phase I of the  
South East Minneapolis Industrial Area (SEMI),  
now recommends passage of the accompanying  
resolution increasing the Minneapolis Community  
Development Agency (MCDA) appropriation in  
Fund CS10 (SEMI Phase I) by \$40,000 to cover  
costs exceeding the original estimate in relation  
to construction of a roadway, and increasing the  
appropriation in Fund CAD0 (Tax Increment  
Administration) by \$1,200 to support the City  
administration fee.

Your Committee further recommends that  
this action be transmitted to the Board of  
Commissioners of the MCDA.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton,  
Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-044**  
**By Niland and Campbell**

**Amending The 1999 Minneapolis  
Community Development Agency  
Appropriation Resolution.**

Resolved by The City Council of The City of  
Minneapolis:

That the above-entitled resolution, as  
amended, be further amended as follows:

a) Increasing the appropriation in Fund CS10  
– SEMI Phase 1 by \$40,000 from available fund  
balance; and

b) Increasing the appropriation in Fund CAD0  
– Tax Increment by \$1,200 from available fund  
balance.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** – Your Committee, having under consideration the Minnesota Department of Trade and Economic Development (DTED) Grant in the amount of \$689,000 for assistance in acquisition of the SKB/Bolander site at 620 Malcolm Ave and for design and construction of stormwater management ponds, and the DTED Grant in the amount of \$589,741 for the former Abrams Metals site at the intersection of Elm St and Kasota Ave SE, both in the South East Minneapolis Industrial Area (SEMI) Phase V, now recommends:

1) Approval of the allocation of \$520,381 from the Minneapolis Industrial & Land Acquisition Strategy (MILES) set aside for acquisition, property management, and engineering design and construction on portions of the Bolander property at 620 Malcolm Ave; and

2) Passage of the accompanying resolution increasing the Minneapolis Community Development Agency (MCDA) appropriation in Fund SDA0 (Development Account) by \$520,381, which reflects \$500,000 in previously allocated MILES funds, and \$20,381 of MILES funds for property management of the site; and increasing the appropriation in Fund SMN0 (State Grants & Loans) by \$1,278,741, which reflects the total in DTED grant monies received.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-045**  
**By Niland and Campbell**

**Amending The 1999 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Increasing the appropriation in Fund SDA0 – Development Account by \$520,381 from available fund balance; and

b) Increasing the appropriation in Fund SMN0 – MCDA State Grants & Loans by \$1,278,741 from available fund balance.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Republished March 23, 1999)

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

**H&HS** – Your Committee, having under consideration the Welfare-To-Work Father's Project, now recommends that the proper City Officers be authorized to issue Fund Availability Notice #B6-1, under Master Contract #10013, to Resource, Inc., in the amount of \$50,000, to provide employment and training services for the period January 1, 1999 through December 31, 2001 to non-custodial parents of children enrolled in the Minnesota Family Investment Plan.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS** – Your Committee recommends that report passed January 22, 1998 executing Amendment #1 to Agreement #11741 with Michael D. Finch to extend consulting services related to community health assessment surveys be rescinded.

Your Committee further recommends that the proper City Officers be authorized to execute a new agreement with Michael D. Finch, in the amount of \$30,000, that provides new standards and expectations for the provision of consulting services related to community health assessment surveys for the period January 1, through December 31, 1999, payable from Health (010-440-4423).

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following reports:

**IGR** – Your Committee, having under consideration the action of the City Council of

January 22, 1999 supporting the bill providing for increased penalties for cruelty to animals relating to Minn. Stats. 1998, sections 343.20 and 343.21, now recommends that said bill be deleted from the City's 1999 Legislative Priorities and Package. This report was inadvertently omitted from the Council agenda of February 19, 1999.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**IGR** – Your Committee recommends that the City support the following bills before the Legislature and add them to the City's 1999 Legislative Priorities and Package:

1. H.F. 1118 authored by Representative Stanek, relating to the criminal justice system and requiring the criminal and juvenile justice information policy group to review plans for creating and implementing integrated criminal justice information systems in counties statewide (Petr No 264603);

2. S.F. 556 authored by Senator Piper, relating to municipal liability, and which would extend the City's immunity from liability to claims arising from City bicycle trails (Petr No 264600); and

3. A proposed bill relating to the impact of expansion of the Twin Cities International Airport, authorizing the establishment of airport impact zones and tax increment financing districts in Bloomington, Minneapolis and Richfield, and creating an airport impact fund in the state treasury (Petr No 264603).

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**IGR** – Your Committee recommends that the City oppose S.F. 274 authored by Senator Pariseau and its companion H.F. 844 authored by Representative Boudreau, relating to firearms, providing that permits to carry a firearm must be issued to responsible, competent adults. (Petr No 264604)

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**IGR** – Your Committee recommends that the proper City officers be authorized to issue a Request For Proposals for a federal lobbying consultant. (Petr No 264601)

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**IGR** – Your Committee, having under consideration the Department of Health and Family Support (DHFS) proposed legislative agenda as set forth in Petr No 264602, now recommends that the DHFS agenda be amended by adding a sixth high priority relating to birth control and that DHFS staff be directed to develop language for that priority, and further recommends that the DHFS agenda, as amended, be added to the City's 1999 Legislative Priorities and Package.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **INTERGOVERNMENTAL RELATIONS** and **TRANSPORTATION & PUBLIC WORKS** Committees submitted the following report:

**IGR & T&PW** – Your Committee, having under consideration a motion to recommend to the City of St. Paul that they hire former Minneapolis Transportation Engineer Michael Monahan to straighten out their street system, now recommends that the motion be:

**IGR** – Sent forward without recommendation.

**T&PW** – Approved.

Mead moved that the report be amended by deleting the IGR recommendation, approving the T&PW recommendation, and adding at the end thereof, "and passage of the accompanying resolution recommending humorous changes to the St Paul street system". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-046**

**By Mead**

**Recommending humorous changes to the St Paul street system.**

Whereas, Minneapolis is Governor Jesse Ventura's favorite city; and

Whereas, the Minneapolis City Council considers St Paul a great city, although somewhat geometrically challenged; and

Whereas, St Paul is a wonderful place to be across the river from; and

Whereas, many Minneapolitans have lots of Irish friends who live in St Paul;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis recommends that the City of St Paul hire Minneapolis' recently retired Transportation Czar, the wildly popular Michael J Monahan, an Irishman known to be sober except in humor.

Be It Further Resolved that the City of Minneapolis advises her fine, upstanding twin that the following letters (in the order specified) make excellent first letters for the names of city streets: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y and Z. For example:

Andrew	Johnson	SaylesBelton
Biernat	Kahn	Thurber
Cherryhomes	Lamb	Underwood
Doré	McDonald	Vivian
Ed	Niland	Wagenius
Flynn	Ostrow	Xerxes
Goodman	Pogemiller	Young
Herron	Queen	Zimmerperson
Irish	Ranum	

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Biernat moved that the IGR staff be directed to take action to oppose, with a high priority, the bill introduced in the Legislature March 4, 1999, providing for issuance of permits for the Kondirator. Seconded.

Minn moved a substitute motion to postpone action on Biernat's motion to the adjourned Council meeting of March 16, 1999 and that the Intergovernmental Relations Committee review the bill prior to that time. Seconded.

Lost upon a voice vote.

Biernat's motion was adopted upon a voice vote.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

**PS&RS** – Your Committee recommends granting the following applications for liquor, wine and beer licenses:

**Off-Sale Liquor, to expire April 1, 2000**

Chicago Lake Liquor Store Inc, 825 E Lake St;

**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2000**

Kieran's Irish Pub Inc, dba Kieran's Irish Pub, 330 2nd Av S (change in ownership from Kieran Folliard);

Folliard Kieran Patrick, dba Kieran's Pub, 330 2nd Av S;

**On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2000**

80 So 8th St Hotel Operations Inc, dba Vista Marquette Hotel, 701 Nicollet Mall, 3rd floor;

**On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2000**

Sun Saloon Inc, dba Sun Saloon & Restaurant, 1528 University Av NE;

Hexagon Bar Inc, 2600 27th Av S, 1st floor;

**On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 1999**

Rudolph's Bar B Que Inc, 1933 Lyndale Av S;

**On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2000**

Brinda Investments Inc, dba Tugg's on the River, 219 Main St SE (internal transfer of shares);

Brinda Investments Inc, dba Tugg's on the River, 219 Main St SE;

**On-Sale Wine Class A with Strong Beer, to expire April 1, 2000**

Anderson Restaurant Corporation, dba Dulono's Pizza, 607 W Lake St;

**On-Sale Wine Class C-1 with Strong Beer, to expire April 1, 1999**

Marissa's Incorporated, dba El Mariachi, 2750 Nicollet Av;

**On-Sale Wine Class C-1 with Strong Beer, to expire April 1, 2000**

Bon Appetit Inc, dba Bon Appetit, 421 14th Av SE;

**On-Sale Wine Class E with Strong Beer, to expire April 1, 1999**

Megusta Mexican Cuisine Inc, dba Megusta Mexican Restaurant, 1507 E Lake St;

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2000**

Maximo Pizza Corporation, dba Perry's Pizza, 825 Washington Av SE;

Symphony Edwardo's Inc, dba Edwardo's Natural Pizza Restaurant, 1125 Marquette Av;  
Friends of the Revolution Inc, dba Auriga, 1934 Hennepin Av;  
Nguyen-Vu Family Corp Inc, dba Saigon Uptown Restaurant, 3035 Lyndale Av S;  
Szechuan Garden Inc, dba Far East Restaurant, 5033 France Av S.  
Adopted. Yeas, 13; Nays none.  
Passed March 5, 1999.  
Approved March 11, 1999. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee recommends granting the following applications for business licenses as per list on file and of record in the Office of the City Clerk under date of March 5, 1999, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petr No 264606):

Building Contractor Class A; Building Contractor Class B; Cement Finisher; Contractor/Masonry Class A; Dry Wall Contractor; Laundry; Fire Extinguisher Class A; Fire Extinguisher Class B; Grocery; Food Manufacturer; Restaurant; Short Term Food Permit; Gas Fitter Class A; Gasoline Filling Station; Heating, Air Conditioning, Ventilation Installer Class A; Heating, Air Conditioning, Ventilation Installer Class B; Liquid Waste Hauler; Lodging House; Motor Vehicle Repair Garage; Motor Vehicle Servicing Class B (Towing); Pawnbroker Class A; Pet Shop; Plumber; Second-Hand Dealer Class B; Antique Dealer Class B; Antique Mall Operator Class B; Tattooing; Taxicab Neighborhood Rideshare; Taxicab Vehicle; Taxicab Vehicle N T; and Tree Servicing.

Adopted. Yeas, 12; Nays none.  
Declining to Vote – Minn.  
Passed March 5, 1999.  
Approved March 11, 1999. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

**Gambling-Lawful Class B**

Animal Relief Fund, PO Box 234, Hopkins (site: Richie's, 2211 Lowry Av N);

**Gambling Lawful Exempt**

Church of St Anne, 2627 Queen Av N (bingo, March 21, 1999 at 2620 Russell Av N).

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee, having under consideration the On-Sale Beer Class C License held by Cardinal Bar Inc, dba Cardinal Bar, 2920 E 38th St, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing relating to illegal gambling devices in the form of a dice cup and five dice at the licensed premises, now recommends that said license be suspended for seven days, and that all seven days be stayed for one year from the effective date of the TAC agreement, subject to the following conditions, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

a. that the licensee pay a fine of \$1,000 to the City of Minneapolis payable in two equal installment of \$500 each;

b. that the licensee shall prominently post "No Gambling" signs of sufficient size and numbers to ensure they can be read by all patrons at the licensed establishment;

c. that the licensee shall develop and implement an employee training plan which provides education in the area of Minnesota State Statutes concerning illegal gambling and its consequences, with a copy being provided to the Minneapolis Police License Investigation Division;

e. that no same or similar violations occur at the premise for one year.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee, having under consideration the On-Sale Liquor Class A License held by Yendor Corp, dba Augie's, 424 Hennepin Av, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing relating to a minor being employed as an entertainer at the licensed premises and being in possession of an alcoholic beverage, now

recommends that said license be suspended for ten days, and that five days be stayed for one year from the effective date of said TAC agreement, subject to the following conditions, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. that the licensee pay a fine of \$2,500 to the City of Minneapolis;

b. that the licensee shall only employ entertainers that are at least 21 years of age, or older;

c. that the licensee shall require identification from all employees, as a condition of employment, and maintain a true and accurate copy of the identification as part of their permanent employee file;

d. that the licensee shall develop and implement an employee training plan which provides education in the area of Minnesota State Statutes concerning serving, consumption and possession of alcoholic beverages to persons under the age of 21 years, and provide proof of such training, as well as the training plan, agenda and handouts to the Minneapolis Police License Investigation Division;

e. that the five-day suspension be completed within 30 days of the effective date of the TAC agreement, and be consecutive days, Monday through Friday;

f. that no same or similar violations occur at the licensed premises for one year.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee, having under consideration block event fees for the 16th Annual National Night Out (NNO) to be held on Tuesday, August 3, 1999, now recommends:

a. that the block event fee be waived for applications received by the close of business on Tuesday, July 6, 1999;

b. that a \$15 block event fee be charged for applications filed between July 7 and July 20, 1999; and

c. that applications received after the close of business on July 20, 1999 be denied.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee recommends that the proper City Officers be authorized to draft, negotiate and execute an agreement with the Metropolitan Council to provide for defense and indemnification of the City, its officers and employees, including police officers employed by the Transit Police, in performing law enforcement functions for the Metropolitan Council. Said agreement shall provide for defense and indemnification against lawsuits or other claims brought against the City or individual police officers for acts or omissions by officers employed by the Metropolitan Council while off duty from the Minneapolis Police Department.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES, TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

**PS&RS, T&PW & W&M/Budget** – Your Committee recommends that the proper City Officers be authorized to negotiate and execute a revision to the existing Bassett Creek Water Management Commission Joint Powers Agreement and the existing Joint and Cooperative Agreement for the Middle Mississippi River Watershed Management Organization to provide for realignment of the boundaries between the two jurisdictions such that the watershed area tributary to the old and new Bassett Creek tunnels becomes the responsibility of the Middle Mississippi River Watershed Management Organization.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**PS&RS & W&M/Budget** – Your Committee recommends that the proper City Officers be authorized to accept a vehicle donation from the Automobile Association of America (AAA), valued at \$20,000, to enhance the City's School Patrol Program.



Adopted. Yeas, 13; Nays none.  
Passed March 5, 1999.  
Approved March 11, 1999. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** – Your Committee, having under consideration sensitive surface graffiti abatement, now recommends that the proper City Officers be authorized to extend the Contract #11487 with Sani-Masters, Inc., and Contract #11488 with Graffiti Removal Services, until new contracts are authorized, to provide sensitive surface abatement services to the business community and neighborhoods, as weather permits during the winter, payable from Inspections (010-850-8510).

Adopted. Yeas, 13; Nays none.  
Passed March 5, 1999.  
Approved March 11, 1999. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

**T&PW** – Your Committee, having under consideration the following awards to the Minneapolis Public Works Department, now recommends that the employees involved in these projects be commended for their public service contributions to the quality of life in Minneapolis:

**4th Av Bridge** Consulting Engineers Council of Minnesota Grand Award  
*and*  
Committee on Urban Environment (CUE) Award

Employees recognized: **Ramankutty Kannankutty;**  
**James Stoutland;**  
**Paul Miller;**  
**Kent Peterson.**

**5th Police Precinct** Committee on Urban Environment (CUE) Award

Employees Recognized: **Bo Spurrier.**

**Water Works** Partnership Minnesota Special Achievement Award in support of 1997 flood efforts

Employees Recognized: **Adam Kramer and the Minneapolis Water Works employees who contributed to the efforts.**

The report was received and filed.

**T&PW** – Your Committee recommends concurrence with the recommendation of the Minneapolis Bicycle Advisory Committee to appoint Jon Wertjes, Transportation Division, as new chairperson of their committee, replacing Thomas Becker who has resigned as chairperson.

Adopted. Yeas, 13; Nays none.  
Passed March 5, 1999.  
Approved March 11, 1999. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration a report regarding soil contamination at the Public Works Facilities Currie Av N Phase I Construction Site, now recommends that the proper City officers be authorized to increase City Contract #13374 with Enecotech Midwest, Inc., from \$25,000 to \$50,000, to allow for completion of environmental consulting. The contract increase is payable from the existing Public Works Facilities budget.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton,  
Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration the City's lease of property at 1100 Hawthorne Av for the Interim Greyhound Bus Terminal and the recommendation of the Transportation Director that the City modify it's lease arrangement, now recommends that the proper City officers be authorized to execute an agreement between V & L, Inc. (V&L) and the City effective March 1, 1999 whereby J. W. Distributing (JWD) agrees to assign to V&L all its rights, title and interest in the City's Sublease (of August 26, 1998) in exchange for a release of all obligations under the Sublease and V&L's agreement to assume all of JWD's obligations under the City's Sublease, subject to the terms and conditions set forth in the proposed Agreement (Petr No 264612).

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton,  
Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration the light rail transit (LRT) Downtown Involvement Process and the establishment of task forces to assist in the planning and implementation of LRT in downtown, now recommends that Greg Anderson of the Star Tribune be added as a member of the Station Area Planning and Development Task Force.

Mead moved to amend the report by adding appointment of the following individuals:

**Construction Task Force**

Steve Holmstoen as a business  
representative

Reliant Energy-Minnegasco  
800 LaSalle Av

**Public Information Team**

Kent Robbins as an agency representative  
Minneapolis City Council  
307 Minneapolis City Hall

Seconded.

Adopted upon a voice vote

The report, as amended, was adopted.

Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton,  
Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration preparations for removal of the former Greyhound Bus Depot at 29 N 9th St, now recommends that the proper City officers be authorized to solicit bids for the removal of regulated materials from the building, a process necessary before demolition of the building can proceed.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton,  
Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committee submitted the following reports:

**T&PW & W&M/Budget** – Your Committee, having under consideration the results of a Request for Proposals issued by the City seeking an operational/functional review of the Municipal Parking System, now recommends that the proper City officers be authorized to negotiate and enter into a contract with KPMG Peat Marwick LLP to provide said services. The term of the contract shall not exceed five years and the amount of \$304,900 over five years and will be payable from the Municipal Parking Fund (7500-685).

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton,  
Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration the Shingle Creek Stormwater Wetland Project and funding from Metropolitan Council Environmental Services, now recommends passage of the accompanying resolution appropriating \$100,000 to the PW – Sewer Construction Capital Agency representing the funds for the project that will be reimbursed by the Metropolitan Council.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton,  
Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-047**  
**By Mead and Campbell**

**Amending The 1999 Capital Improvement**  
**Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW – Sewer Construction Capital Agency in the Permanent Improvement Projects Fund (4100-932-9322) by \$100,000 for the Shingle Creek Stormwater Wetland Project and costs that will be reimbursed by the Metropolitan Council.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration the First St S Bridge Project, now recommends:

a) Accepting the low bid and authorizing execution of a construction contract on OP #5069 for the bid submitted by Edward Kraemer and Sons, Inc. in the amount of \$725,380 for furnishing and delivering all labor, materials, equipment and incidentals necessary to accomplish the First St S Bridge and approach roadway construction (S.A.P. 141-080-17) for the Public Works Engineering Design Division;

b) Passage of the accompanying resolution informing the Minnesota Department of Transportation that the City will finance the amount of the project in excess of State grant funds; and

c) Passage of the accompanying resolution appropriating \$210,141 to the PW – Streets & Malls Capital Agency representing additional State Bridge Bond funds that will be received for the project.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-048**  
**By Mead and Campbell**

**Agreeing that the City of Minneapolis will**  
**finance any amount in excess of the Minnesota**  
**State Transportation grant and returning any**  
**moneys not needed for constructing the First**  
**Street South Bridge.**

Whereas, the City has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for the construction/reconstruction of the First Street South Bridge (City Bridge No. 27687) over the abandoned CNW Railroad, totaling \$510,141;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That it hereby affirms that the State grant portion will not exceed \$510,141, and if the State share of construction based on the final estimate is less than \$510,141, any remaining funds will be returned to the Minnesota State Transportation Fund.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-049**  
**By Mead and Campbell**

**Amending The 1999 Capital Improvement**  
**Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Public Works – Streets & Malls Capital Agency in the Permanent Improvement Projects Fund (4100-937-9386) by \$210,141 for the First Street South Bridge project to reflect the increased funding provided by the Minnesota State Transportation Fund, and increasing the revenue source (4100-937-9386 – Source 3215) by \$210,141.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee recommends that the proper City officers be

authorized to submit a Recycling Grant Application and execute an agreement with Hennepin County requesting SCORE funds for the City's recycling program for the period of January 1, 1999 through December 31, 1999.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee recommends acceptance of the following bids in accordance with City specifications (Petn No 264614):

a) OP #4939, low bid meeting specifications submitted by Davco, Inc. in the amount of \$160,791 for furnishing and delivering double disc check valves to the Public Works Water Department;

b) OP #5065, low bids as follows for furnishing and delivering fine aggregate and mineral filler to the Public Works Asphalt Plant through March 12, 2000:

– Fischer Sand and Aggregate Company, for an estimated expenditure of \$173,450, for 25,000 tons of Gradation 1 Portland Cement Concrete and 15,000 tons of Gradation 3 Asphalt Sand for Bituminous Surface Wearing Course;

– Camas, Inc., for an estimated expenditure of \$76,632 for 2,400 tons of mineral filler;

c) OP #5064, low bid submitted by Barton Sand and Gravel Company for an estimated expenditure of \$332,500 for furnishing and delivering Type 41 Graded Aggregates to Public Works Asphalt Plant through December 31, 1999;

d) OP #5067, low bids as follows for furnishing and delivering coarse aggregates to the Public Works Asphalt Plant as needed through March 12, 2000:

– Dresser Trap Rock, Inc., for an estimated expenditure of \$170,250 for 15,000 tons of Gradation No. 2, Class A Material;

– Meridian Aggregates Company, for an estimated expenditure of \$197,700, for 15,000 tons of Gradation No. 1, Class A Material;

e) OP #5063, low bid submitted by Dresser Trap Rock, Inc. for an estimated expenditure of \$277,500 for furnishing and delivering 25,000 tons of 100 percent Crushed Class A Graded Aggregate Gradation #6 to the Public Works Asphalt Plant through December 31, 1999.

Your Committee further recommends that the proper City officers be authorized to execute

contracts for the above projects and/or services, in accordance with City specifications.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee recommends that the City Engineer be directed to submit applications for the following projects to the Minnesota Department of Transportation (MnDOT) for federal funds to cover 80% of the construction costs for the TEA-21 Federal Preservation Program in the Year 2000:

**Micro Paving Project**

Micro Paving Project on 8th St SE (Hennepin Av – 35W);

**Replacement of Bus Pads**

Replacement on Minnesota State Aid (MSA) streets;

Replacement on County State Aid (CSA) streets;

**Bridge Rehabilitation**

Cedar Av/10th Av SE Bridge over the Mississippi River (Mpls)

**Signals, Signs and Signal Pole Renovation**

Signal Pole Renovation (425 intersections);

Street Light Pole Renovation (2,015 units);

Emergency Vehicle Pre-emption Installations (463 intersections);

Controller Replacement (Out-Dated Solid State Units at 46 intersections);

Controller and Cabinet Replacement (Electro-Mechanical at 168 intersections);

LED Pedestrian Signal Program (466 intersections);

LED Signal Heads (Yellow & Green at 466 intersections);

Sign Replacement Project (12,441 signs).

Your Committee further recommends that the City Engineer be directed to report back to the Transportation & Public Works and Ways & Means/Budget Committee with his recommendations for adjusting the City's Year 2000 Capital Improvement Program should any of the above projects be selected to receive federal funding in the Year 2000 under the TEA-21 Federal Preservation Program.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration the Hawthorne Transportation Center project that includes a Greyhound bus terminal, an 875 space municipal parking ramp and a skyway connection to the 7th St TAD garage, and having received a report requesting approval of the final plans/specifications and that the proper City officers be authorized to seek bids for construction of the project, with the bids to include alternatives to add on a skyway connection to the Orpheum Theater, increase the number of parking spaces in the ramp from 875 to 990 and build-out of the office space in the parking facility, now recommends:

**T&PW** – Approval.

**W&M/Budget** – Approval and further recommends that the Finance Director and appropriate staff of the Minneapolis Community Development Agency (MCDA) be directed to identify and provide a funding mechanism for one-half the cost of the skyway connection to the Orpheum Theater and report back to the Ways & Means/Budget Committee regarding said funding before moving forward on the skyway portion only.

Mead moved to amend the report to approve the Ways & Means/Budget recommendation and to delete the recommendation of the Transportation & Public Works Committee. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration the proposal of St. Andrew's Golf Academy (SAGA) to construct an indoor golf facility on top of the Hawthorne Transportation Center and having received a report on the process required to continue planning for such a facility, now recommends that the SAGA proposal be separated from the Hawthorne Transportation Center project and that the Minneapolis Community Development Agency (MCDA) and Public Works Department be directed to identify other sites for the SAGA proposal.

Your Committee further recommends that the City's Finance Director be directed to identify a source for City participation up to fifty percent of the cost of funding a golf facility feasibility study.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

**W&M/Budget** – Your Committee recommends passage of the accompanying resolutions amending the Capital Improvement Appropriation Resolution of 1999 (Resolution 98R-469):

a) incorporating certain technical amendments relating to Tenth St. S, the Central Library Planning Support, and City Hall remodeling of Police and Planning Departments; and

b) adding a footnote relating to vehicle replacements for the Department of Operations and Regulatory Services.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

## **RESOLUTION 99R-050**

**By Campbell**

### **Amending The 1999 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

a) decreasing Public Works – Streets and Malls Agency in the Permanent Improvement Projects Fund (4100-937-9372) by \$579,000 Municipal State-Aid (MSA) dollars for T26 Tenth Street South; and

b) increasing the Public Works – Transportation Agency in the Permanent Improvement Projects Fund (4100-943-9372) by \$579,000 MSA dollars for T26 Tenth Street South.

Be It Further Resolved that the funding source be changed on the following Capital Budget entries:

c) HDx4 Central Library Planning Support be changed from Net Debt Bonds to Permanent Improvement Tax Levy; and

d) GMx1 City Hall Remodeling Police and Planning be changed from Permanent Improvement Tax Levy to Net Debt Bonds.

Adopted. Yeas, 13; Nays none.  
Passed March 5, 1999. J. Cherryhomes,  
President of Council.  
Approved March 11, 1999. S. Sayles Belton,  
Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-051**  
**By Campbell**

**Amending The 1999 Capital Improvement  
Appropriation Resolution.**

Resolved by The City Council of The City of  
Minneapolis:

That the above-entitled resolution (Resolution  
98R-469), as amended, be further amended to  
add the following Capital Budget footnote relating  
to vehicle replacements for the Department of  
Operations and Regulatory Services:

“ag) The sale proceeds from existing vehicles  
shall be transferred (after receipt) to the debt  
service account and be utilized for the 1999  
associated debt service payments.”

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes,  
President of Council.

Approved March 11, 1999. S. Sayles Belton,  
Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having  
under consideration David M. Griffith’s Public  
Works Fleet Management Plan, as adopted by  
the Minneapolis City Council, now recommends  
that appropriate staff of the Management Analysis  
Division of the Finance Department be directed to  
return to the Ways and Means/Budget Committee  
the second cycle in May, 1999, to provide an  
update on the implementation of said adopted  
plan.

Your Committee further recommends  
passage of the accompanying resolution  
requesting that the Board of Estimate and Taxation  
incur indebtedness and issue and sell City of  
Minneapolis bonds, in the amount of \$7,500,000,  
for certain purposes other than the purchase of  
public utilities.

Campbell moved to amend the report to add  
the following language in paragraph 1 after the  
language, “be directed to return to”:

“a joint meeting of the Transportation and  
Public Works Committee and”. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.  
Yeas, 13; Nays none.  
Passed March 5, 1999.  
Approved March 11, 1999. S. Sayles Belton,  
Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-052**  
**By Campbell**

**Requesting that the Board of Estimate  
and Taxation incur indebtedness and issue  
and sell City of Minneapolis bonds, in the  
amount of \$7,500,000 for certain purposes  
other than the purchase of public utilities.**

Resolved by The City Council of the City of  
Minneapolis:

Requesting that the Board of Estimate and  
Taxation be requested to incur indebtedness and  
issue and sell City of Minneapolis Bonds, in the  
amount of \$7,500,000, the proceeds of which are  
to be used for the final phase(s) of the multi-facility  
plan, as outlined in the David M. Griffith’s Fleet  
Management Study recommendations, as  
adopted by the City Council.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes,  
President of Council.

Approved March 11, 1999. S. Sayles Belton,  
Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having  
under consideration the Greyhound/Jefferson  
Parking Facility, now recommends passage of  
the accompanying resolution amending  
Resolution 97R-397 by increasing the request for  
parking bonds by \$595,000, for a new total of  
\$23,595,000.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton,  
Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-053**  
**By Campbell**

**Amending Resolution 97R-397 entitled,  
“Requesting that the Board of Estimate and  
Taxation incur indebtedness and issue and  
sell City of Minneapolis bonds for a total**

**amount of \$23,000,000 for certain purposes other than the purchase of public utilities,” by increasing the request for parking bonds by \$595,000, for a new total of \$23,595,000.**

Resolved by The City Council of the City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis Bonds, in the amount of \$595,000, for a total amount of \$23,595,000, the proceeds of which are to be used for all activities necessary for the site acquisition, site preparation and construction of the Greyhound/Jefferson Parking Facility.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration the Greyhound Jefferson Parking Facility, now recommends passage of the accompanying resolution authorizing sale, and providing form, terms, pledge of parking ramp revenues and findings, covenants and directions relating to \$4,395,000 General Obligation Parking Ramp Bonds, Series 1999 of the City of Minneapolis.

Your Committee further recommends summary publication of said resolution.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 99R-054, relating to the Greyhound/Jefferson Ramp, authorizing sale, and providing form, terms, pledge of parking ramp revenues and findings, covenants and directions relating to \$4,395,000 General Obligation Parking Ramp Bonds, Series 1999 of the City of Minneapolis, was passed March 5, 1999 by the City Council and approved March 11, 1999 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

## **RESOLUTION 99R-054**

**By Campbell**

**Authorizing sale and providing form, terms, pledge of parking ramp revenues and findings, covenants and directions relating to \$4,395,000 General Obligation Parking Ramp Bonds, Series 1999 of the City of Minneapolis**

Resolved by The City Council of The City of Minneapolis:

### SECTION 1. AUTHORIZATION, FINDINGS AND DEFINITIONS

1.01. Background. The City purposes to construct and equip a parking garage adjacent to the 7<sup>th</sup> Street ramp currently operated by the City. Because construction of the ramp will require acquisition of the site of the existing intercity bus terminal, the City will construct on the first level of the ramp a shell for a new bus terminal which is to be leased to a private operator for use as a bus terminal. Construction of the parking garage and terminal (the “Project”) is hereby determined to be necessary and expedient to promote economic development of the City. The City has heretofore issued its \$19,200,000 General Obligation Parking Ramp Bonds, Series 1998 (the “Series 1998 Bonds”) to provide funds for part of the costs of the Project.

1.02. Exercise of Port Authority Powers. Pursuant to Minnesota Statutes, Section 469.078, Chapter 595, Minnesota Laws of 1980, and Section 422.110, Minneapolis Code of Ordinances, the City, acting through this Council, is authorized to exercise the powers of a port authority under Minnesota Statutes, 469.048 to 469.068 (the “Port Authority Law”). The Port Authority Law permits, at Section 469.055, Subd. 6, the construction of terminals and other transportation facilities and, at section 469.059, Subd. 16 in connection with areas designated as industrial development districts, the ownership and operation of parking facilities. The Port Authority Law also permits port authorities to issue bonds in anticipation of income from any source to pay for acquired property and other development district purposes. Pursuant to Minnesota Statutes, Section 469.060 the bonds may pledge the full faith and credit of the City without a referendum. This Council has adopted an ordinance to evidence its permission as contemplated by Minnesota Statutes, Section 469.060. This Council has determined to exercise

the powers of a port authority under the Port Authority Law in connection with the acquisition, construction and financing of the Project.

1.03. Definitions. Unless the context otherwise requires, the terms defined in this Section 1.03 shall, for all purposes of this Bond Resolution and any resolution supplemental hereto, have the meanings herein specified, such definitions to be equally applicable to both the singular and plural forms of any of the terms defined:

"Act" means Minnesota Statutes, Sections 469.048 to 469.068, as amended from time to time.

"Gross Revenues" or "Revenues" shall mean all moneys or proceeds from or properly attributable to the rates, charges, rents and receipts collected by the City for the availability, use, lease or benefit of the Parking Ramp System, its products or by-products, but do not include any investment earnings or other revenues not directly derived from or attributable to the Parking Ramp System.

"Holder", "Bondholder" or "owner" means the person in whose name a Bond is registered.

"Internal Revenue Code" means the Internal Revenue Code of 1986, and amendments thereto.

"Letter of Representations" means the Blanket Letter of Representations from the City to Depository Trust Company, New York, New York.

"Net Revenues" shall mean the Gross Revenues less Operation and Maintenance Expenses.

"Operation and Maintenance Expenses" shall mean and include salaries and wages of City employees spending all or substantially all of their time operating or servicing the Parking Ramp System; such portion of the salaries and wages of other City employees as may be directly proportional to the time necessarily expended by them servicing the Parking Ramp System including collection of charges, repairing or maintaining or protecting off-street parking facilities which are part of the Parking Ramp System and accounting for revenues; fees and expenses incurred in the payment of principal or interest on the Bonds, or in the preparation and publication of notices and reports to holders of the Bonds, the cost of insurance, fidelity bonds and other protection of the revenues or property of the Parking Ramp System; all expenses for repairs and upkeep (including both material and labor) of the Parking Ramp System; public utility services furnished to the Parking Ramp System, and all other expenses which, under requirements of law or sound accounting practices, are properly chargeable to operation, repair, administration and maintenance of the Parking Ramp System.

"Parking Ramp System" or "System" means the parking garages owned or operated by the City, less any such facilities which may be sold or otherwise disposed of, abandoned or used for another purpose.

"Series 1999 Bonds" or "Bonds" means the General Obligation Parking Ramp Bonds, Series 1999, authorized by this Bond Resolution.

## SECTION 2. TERMS AND FORM OF BONDS.

2.01. Series 1999 Bond Terms. It is determined to be necessary and expedient to issue the Bonds to finance part of the costs of the Project. The Bonds shall be dated June 1, 1999, or such later date as the Finance Officer may determine, shall be in the aggregate principal amount of not to exceed \$4,395,000, shall be issued in denominations of \$5,000 or any integral multiple thereof and shall be numbered from R1 upwards in order of issuance or such other order as the Bond Registrar may determine. The Bonds shall bear interest at the rates per annum approved by the Finance Officer and Board of Estimate and Taxation in connection with the sale thereof not to exceed an average rate of 5.50% per annum, payable on December 1, 1999 and semiannually thereafter on June 1 and December 1 of each year from the date of the Bonds or the most recent interest payment date to which interest has been paid or duly provided for, computed on the basis of a 360-day year of twelve 30-day months. The maturities of the Bonds meet the requirements of Minnesota Statutes, Section 475.54, Subd. 17, and in any event meet the requirements of Minnesota Statutes 475.54, Subd. 1 when combined with other general obligations of the City. The maturities are combined with the maturities of the Series 1998 Bonds for purposes of meeting the requirements of Minnesota Statutes, Section 469.060, as to the Series 1998 Bonds. The Bonds shall mature in the maximum amounts on December 1 of each of the years as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2000	\$ 20,000	2007	\$ 350,000
2001	25,000	2008	400,000



2002	50,000	2009	450,000
2003	50,000	2010	500,000
2004	100,000	2011	550,000
2005	250,000	2012	650,000
2006	300,000	2013	700,000

All Bonds maturing on or after December 1, 2010 are subject to redemption and prior payment in whole or in part at the option of the City on December 1, 2009 and any date thereafter at par plus accrued interest to the redemption date.

Thirty days prior to the redemption date, notice of any such redemption shall be given by mail to the banks where the Bonds are payable and to the registered owners, in accordance with Chapter 475, Minnesota Statutes. In the event of partial redemption by lot of Bonds, the Bond Registrar shall assign to each Bond then outstanding a distinctive number for each \$5,000 of the principal amount of such Bonds and shall select by lot in the manner it determines the order of numbers, at \$5,000 for each number, for all outstanding Bonds of the maturity to be redeemed. The order of selection of Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected, but only so much of the principal amount of each Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. Upon partial redemption of any Bond, the same shall be surrendered in exchange for one or more new Bonds in authorized form for the unredeemed portion of principal.

2.02. Method of Payment; Registrar and Paying Agent. The Bonds shall be payable as to principal upon presentation and surrender thereof at the office of the Finance Officer, in Minneapolis, Minnesota, as initial Registrar and Paying Agent, or at the offices of such other successor agents as the City may hereafter designate upon 60 days' mailed notice to the registered owners at their registered addresses. At the written request of the registered owner thereof, or at the direction of the Finance Officer, the payment of at least \$100,000 in principal amount of Bonds shall be made by wire transfer of immediately available funds to any bank in the continental United States upon presentation and surrender of such Bonds at the office of the Paying Agent. Interest shall be paid by check or draft mailed to the registered owners of record as of the fifteenth day (whether or not a business day) of the month next preceding the applicable interest payment date at their addresses shown on the registration books or, at the written request of a registered owner of at least \$1,000,000 in aggregate principal amount of Bonds or at the direction of the Finance Officer, by wire transfer of immediately available funds to any bank in the continental United States as the registered owner may specify.

2.03. Bond Form. The Bonds shall be in substantially the following form, which may be printed on the face or on the back or partially on the face or back, with the necessary variations as to number, CUSIP Number, denomination, rate of interest and date of maturity, the blanks therein to be properly filled in, to-wit:

(Form of Series 1999 Bond)

UNITED STATES OF AMERICA  
STATE OF MINNESOTA  
COUNTY OF HENNEPIN  
CITY OF MINNEAPOLIS

No. R- \_\_\_\_\_ \$ \_\_\_\_\_

GENERAL OBLIGATION PARKING RAMP BOND, SERIES 1999

Interest Rate                      Maturity                      Date of Original Issue                      CUSIP

Registered Owner:

Principal Amount:

The City of Minneapolis, in the County of Hennepin and State of Minnesota, for value received, hereby certifies that it is indebted and hereby promises to pay to the registered owner named above or registered assigns, the principal amount specified above on the maturity date specified above, upon the presentation and surrender hereof, and to pay to the registered owner hereof interest on such principal sum at the interest rate specified above from June 1, 1999, or the most recent interest payment date to which interest has been paid or duly provided for as specified below, on June 1 and December 1 of each year, commencing December 1, 1999, until said principal sum is paid. Interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. Principal and the redemption price is payable in lawful money of the United States of America at the office of the Finance Officer in Minneapolis, Minnesota, as Registrar and Paying Agent, or at the office of such successor agents as the City may designate upon 60 days' notice to the registered owners at their registered addresses. At the written request of the registered owner thereof, payment of at least \$100,000 in principal amount of Bonds of this series shall be made by wire transfer of immediately available funds to any bank in the continental United States upon presentation and surrender thereof. Interest shall be paid on each June 1 and December 1 interest payment date by check or draft mailed to the person in whose name this Bond is registered at the close of business on the preceding May 15 and November 15 (whether or not a business day) at the registered owner's address set forth on the registration books maintained by the Bond Registrar or, at the written request of a registered owner of at least \$1,000,000 in aggregate principal amount of the Bonds of this series, by wire transfer of immediately available funds to any bank in the continental United States. Any such interest not punctually paid or provided for will cease to be payable to the person in whose name this Bond is registered on such regular record dates and such defaulted interest may be paid to the person in whose name this Bond shall be registered at the close of business on a special record date for the payment of such defaulted interest established by the Bond Registrar.

This Bond is one of a series of Bonds in the aggregate principal amount of Four Million Three Hundred Ninety-five Thousand Dollars (\$4,395,000), all of like date and tenor except for

number, interest rate, denomination date of maturity and redemption privilege, and is issued pursuant to and in accordance with Sections 469.048 to 469.068 (the "Act") and Minnesota Statutes, for the purpose of providing part of the funds to acquire land and construct, furnish and equip a municipal parking ramp and certain related facilities, all as set forth and described in Resolution No. 99R-054 of the City Council relating to the issuance of the Bonds of this series adopted March 5, 1999 (the "Bond Resolution").

The Bonds of this series are payable primarily from collections of certain parking ramp net revenues which have been pledged to the Debt Service Account by the Bond Resolution subordinate to existing and future pledges; but the full faith and credit of the City of Minneapolis has been and is hereby pledged to the full and prompt payment of the principal of and interest on the Bonds, and the City Council is obligated to levy ad valorem taxes on all taxable property in the City without limitation as to rate or amount, if necessary, to pay principal and interest when due.

Reference is hereby made to the Act and to the Bond Resolution for a description of the parking ramp net revenues pledged to the Bonds of this series. Reference is hereby made to the Act and to the Bond Resolution for a description of the nature of the security thereby created, the rights and limitation of the rights of the City and bondholders with respect thereto, and covenants of the City as to the application of the proceeds of the Bonds of this series and the moneys pledged to the payment of the Bonds and interest thereon.

All Bonds maturing on or after December 1, 2010 are subject to redemption at the option of the City, in whole or in part in such order as the City may determine, on December 1, 2009 and any date thereafter at par plus accrued interest to the redemption date. Thirty days' notice of prior redemption will be given by mail to registered owners in the manner provided by Chapter 475, Minnesota Statutes.

This Bond is transferable, as provided in the Bond Resolution, only upon books of the City kept at the office of the Bond Registrar by the registered owner hereof in person or by the registered owner's duly authorized attorney, upon surrender of this Bond for transfer at the office of the Bond Registrar, duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Bond Registrar duly executed by, the registered owner hereof or the registered owner's duly

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authorized attorney, and, upon payment of any tax, fee or other governmental charge required to be paid with respect to such transfer, one or more fully registered Bonds of the series of the same principal amount, maturity and interest rate will be issued to the designated transferee or transferees.

The Bonds of this series are issuable only as fully registered bonds without coupons in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount maturing in any one year. As provided in the Bond Resolution and subject to certain limitations therein set forth, the Bonds of this series are exchangeable for a like aggregate principal amount of Bonds of this series of different authorized denominations, as requested by the registered owner or the registered owner's duly authorized attorney, upon surrender thereof to the Bond Registrar.

It is Hereby Certified, Recited and Declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond do exist, have happened and have been performed in regular and due time, form and manner as required by law; and that this Bond, and the series of which it is a part, is within every applicable debt and other limit prescribed by the Constitution and laws of the State of Minnesota and the Charter of the City of Minneapolis.

This Bond shall not be valid or become obligatory for any purpose until the Registration and Authentication Certificate hereon shall have been signed by the Bond Registrar.

In Witness Whereof, the said City of Minneapolis, acting by and through its City Council, has caused this Bond to be executed with the facsimile signature of its Mayor, countersigned by the facsimile signature of the Finance Officer, and attested with the facsimile signature of the City Clerk, and a facsimile of the corporate seal of said City to be imprinted hereon, all as of the Date of Original Issue specified above.

Dated: \_\_\_\_\_

CITY OF MINNEAPOLIS

By: (Facsimile)  
Mayor

(Seal)

Attest:

(Facsimile)  
City Clerk

Countersigned:

By: (Facsimile)  
Finance Officer

Bond Registrar's Registration and Authentication Certificate

This is one of the Bonds described in the within mentioned Bond Resolution and has been registered as to principal and interest in the name of the Registered Owner identified above on the registration books of the Finance Officer of the City of Minneapolis.

\_\_\_\_\_  
Finance Officer,  
as Bond Registrar

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ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_  
(Please Print or Typewrite Name and Address of Transferee)  
the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints  
\_\_\_\_\_ attorney to transfer the within Bond on the books kept for registration thereof, with  
full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Please Insert Social Security Number or  
Other Identifying Number of Assignee.

\_\_\_\_\_  
Notice: The signature to this assignment must  
correspond with the name as it appears on the  
face of this Bond in every particular, without  
alteration or any change whatever.

Signature Guaranteed:

\_\_\_\_\_  
Signatures must be guaranteed by  
a national bank or trust company  
or by a brokerage firm which is  
a member of a major stock exchange.

2.04. Registration. As long as any of the Bonds issued hereunder shall remain outstanding, the City shall maintain and keep at the office of the Bond Registrar an office or agency for the payment of the principal of and interest on such Bonds, as in this Bond Resolution provided, and for the registration and transfer of such Bonds, and shall also keep at said office of the Bond Registrar books for such registration and transfer. Upon surrender for transfer of any Bond at the office of a Bond Registrar with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or the registered owner's duly authorized attorney, and upon payment of any tax, fee or other governmental charge required to be paid with respect to such transfer, the City shall execute and the Bond Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more fully registered Bonds of the same series, of any authorized denominations and of a like aggregate principal amount, interest rate and maturity. Any Bonds, upon surrender thereof at the office of the Bond Registrar may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity and interest rate of any authorized denominations. In all cases in which the privilege of exchanging Bonds or transferring fully registered Bonds is exercised, the City shall execute and the Bond Registrar shall deliver Bonds in accordance with the provisions of this Bond Resolution. For every such exchange or transfer of Bonds, whether temporary or definitive, the City or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. Notwithstanding any other provision of this Bond Resolution, the cost of preparing each new Bond upon each exchange or transfer, and any other expenses of the City or the Bond Registrar incurred in connection therewith (except any applicable tax, fee or other governmental charge) shall be paid by the City. The City and the Bond Registrar shall not be required to make any transfer or exchange of any Bonds called for redemption, nor be obligated to make any such exchange or transfer of Bonds during the fifteen (15) days next preceding the date of the first publication or the mailing (if there is no publication) of notice of redemption in the case of a proposed redemption of Bonds.

2.05. Record Dates. Interest on any Bond which is payable, and is punctually paid or duly provided for, on any interest payment date shall be paid to the person in whose name that Bond (or

one or more Bonds for which such bond was exchanged) is registered at the close of business on the 15th day of the preceding month. Any interest on any Bond which is payable, but is not punctually paid or duly provided for, on any interest payment date shall forthwith cease to be payable to the registered holder on the relevant regular record date solely by virtue of such holder having been such holder; and such defaulted interest may be paid by the City in any lawful manner, if, after notice given by the City to the Bond Registrar of the proposed payment pursuant to this paragraph, such payment shall be deemed practicable by the Bond Registrar. Such payments shall then be made to the persons in whose names the Bonds are registered at the close of business on a special record date established by the Bond Registrar. Subject to the foregoing provisions of this paragraph, each Bond delivered under this Bond Resolution upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond and each such Bond shall bear interest from such date that neither gain nor loss in interest shall result from such transfer, exchange or substitution.

2.06. Bonds Mutilated, Destroyed, Stolen or Lost. In case any Bond shall become mutilated or be destroyed, stolen or lost, the City shall execute and the Bond Registrar shall authenticate and deliver a new Bond of like maturity and principal amount as the Bond so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond, upon surrender and cancellation of such mutilated Bond, or in lieu of and substitution for the Bond destroyed, stolen or lost, upon filing with the City evidence satisfactory to the City and the Bond Registrar that such Bond has been destroyed, stolen or lost and proof of ownership thereof, and upon furnishing the City and the Bond Registrar with indemnity satisfactory to them and complying with such other reasonable regulations as the City and the Bond Registrar may prescribe and paying such expenses as the City and the Bond Registrar may incur in connection therewith. All Bonds so surrendered to the Bond Registrar shall be cancelled by it and evidence of such cancellation shall be given to the City.

2.07. Owners. As to any Bond, the City and the Bond Registrar and their respective successors, each in its discretion, may deem and treat the person in whose name the same for the

time being shall be registered as the absolute owner thereof for all purposes and neither the City nor the Bond Registrar nor their respective successors shall be affected by any notice to the contrary. Payment of or on account of the principal of any such Bond shall be made only to or upon the order of the registered owner thereof, but such registration may be changed as above provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

2.08. Use of Securities Depository; Book-Entry Only System. The provisions of this Section shall take precedence over the provisions of Sections 2.01 through 2.07 hereof to the extent they are inconsistent therewith.

(a) The Depository Trust Company ("DTC") has agreed to act as securities depository for the Bonds, and to provide a Book-Entry Only System for registering the ownership interests of the financial institutions for which it holds the Bonds (the "DTC Participants"), and for distributing to such DTC Participants such amount of the principal and interest payments on the Bonds as they are entitled to receive, for redistribution to the beneficial owners of the Bonds as reflected in their records (the "Beneficial Owners").

(b) Initially, and so long as DTC or another qualified entity continues to act as securities depository, the Bonds shall be issued in typewritten form, one for each maturity in a principal amount equal to the aggregate principal amount of each maturity, shall be registered in the name of the securities depository or its nominee, and shall be subject to the provisions of this Section. While DTC is acting as the securities depository, the Bonds shall be registered in the name of DTC's nominee, CEDE & CO; provided that upon delivery by DTC to the City and the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & CO., the words "CEDE & CO." in this Resolution shall refer to such new nominee of DTC.

With respect to Bonds registered in the name of a securities depository or its nominee, the City and the Registrar shall have no responsibility or obligation to any DTC Participant or other person with respect to the following: (1) the accuracy of the records of any securities depository or its nominee with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or other person or any other person, other than DTC, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the

payment to any DTC Participant or any other person, other than DTC, of any amount with respect to the principal of or interest on the Bonds. The Registrar shall pay all principal of and interest on the Bonds only to or upon the order of DTC, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal and interest on the Bonds to the extent of the sum or sums so paid. So long as the Book-Entry Only System described in this Section is in effect, no person other than DTC shall receive an authenticated Bond.

(c) Upon receipt by the City and the Registrar of written notice from the securities depository to the effect that it is unable or unwilling to discharge its responsibilities under the Book-Entry Only System, the Registrar shall issue, transfer and exchange Bonds of the initial series as requested by the securities depository in appropriate amounts, and whenever the securities depository requests the City and the Registrar to do so, the City and the Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice (i) to arrange for a substitute depository willing and able, upon reasonable and customary terms, to maintain custody of the Bonds, or (ii) to make available Bonds registered in whatever name or names the Beneficial Owner registering ownership, transferring or exchanging such Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.

(d) In the event the City determines that it is in the best interests of the Beneficial Owners that they be able to obtain printed Bonds, the City may so notify the securities depository and the Registrar, whereupon the securities depository shall notify the Beneficial Owners of the availability through the securities depository of such printed Bonds. In such event, the City shall cause to be prepared and the Registrar shall issue, transfer and exchange printed Bonds, fully executed and authenticated, as requested by the securities depository in appropriate amounts and, whenever the securities depository requests, the City and the Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice to make available printed Bonds registered on the Bond Register in whatever name or names the Beneficial Owners entitled to receive Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.

(e) Notwithstanding any other provisions of this Resolution to the contrary, so long as any

Bond is registered in the name of a securities depository or its nominee, all payments of principal and interest on the Bond and all notices with respect to the Bond shall be made and given, respectively, to the securities depository as provided in the representation letter given to it by the City. The Letter of Representation is confirmed and shall apply to the Bonds.

(f) In the event that the Book-Entry Only System established pursuant to this Section is discontinued, except as provided in clause (g), the Bonds shall be issued through the securities depository to the Beneficial Owners.

(g) In the event of termination of the Book-Entry Only System, the City shall have the right to terminate, and shall take all steps necessary to terminate, all arrangements with the securities depository described herein, and thereafter shall issue, register ownership of, transfer and exchange all Bonds as provided herein. Upon receipt by the securities depository of notice from the City, the securities depository shall take all actions necessary to assist the City and the Registrar in terminating all arrangements for the issuance of documents evidencing ownership interests in the Bonds through the securities depository. Nothing herein shall affect the securities depository's rights under clause (e) above.

### SECTION 3. EXECUTION AND DELIVERY OF BONDS AND OTHER DOCUMENTS

3.01. Method of Sale. Authority to sell the Bonds is hereby delegated to the Board of Estimate and Taxation under Minnesota Statutes, Section 475.60; provided the Bonds shall be sold only at a price of not less than 98% of the principal amount and the Bonds shall bear interest at the rates specified by the successful proposal, not to exceed an average rate of 5.50% per annum.

3.02. Bonds. The Bonds shall be executed by the respective facsimile signatures of the Mayor, Finance Officer and City Clerk and facsimile of the corporate seal of the City as set forth in the form of Bond. The text of the approving legal opinion of Faegre & Benson LLP, of Minneapolis, Minnesota, as bond counsel, may be printed on the reverse side of each Bond and, if so printed, shall be certified by the facsimile signature of the Finance Officer. When said Bonds shall have been duly executed and authenticated by the Registrar in accordance with this Resolution, the same shall be delivered to the purchasers in accordance with the terms of the sale upon payment of the purchase price, and the receipt of the Finance Officer to said purchasers thereof

shall be a full acquittance; and said purchasers shall not be bound to see to the application of the purchase money. The Bonds shall not be valid for any purpose until authenticated by the Bond Registrar, which is hereby appointed authenticating agent in accordance with Chapter 475, Minnesota Statutes.

3.03. Official Statement. The Finance Officer shall cause an Official Statement relating to the Bonds to be prepared, and the use thereof by the purchasers is approved.

3.04. Certificates. If such officer finds the same to be accurate, the Finance Officer is authorized and directed to furnish to the purchasers at the closing (i) a certificate that, to the best of the knowledge of such officer, the Official Statement does not, at the date of closing, and did not, as of its date, contain any untrue statement of a material fact or omit to state any material fact necessary in order to make the statements made therein, in the light of the circumstances under which they were made, not misleading and (ii) such other certificates as are required as a condition of sale, including a Continuing Disclosure Certificate substantially in the form presented to this Council. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing, the Mayor, City Clerk and Finance Officer shall also execute and deliver to the purchasers a suitable certificate as to absence of material litigation, and the Finance Officer shall also execute and deliver this certificate as to payment for and delivery of the Bonds, together with an arbitrage certificate meeting the requirements of the arbitrage regulations under Section 148 of the Internal Revenue Code and the signed approving legal opinion of Faegre & Benson LLP as to the validity and enforceability of the Bonds and the exemption of interest thereon from federal and Minnesota income taxation (other than Minnesota corporate franchise and bank excise taxes measured by income) under present laws and rulings.

#### SECTION 4. APPLICATION OF PROCEEDS.

4.01. Appropriation of Funds. The proceeds of the Bonds are hereby appropriated as follows: (a) any accrued interest shall be deposited in the Debt Service Account, (d) \$1,915.00 or such other amount not to exceed an amount equal to the expenses of the transaction shall be applied to the payment thereof, and (c) an amount sufficient

to pay the costs of the Project shall be set aside for such purpose. In addition, interest earnings generated after January 1, 1999 on the proceeds of the Series 1998 Bonds and Series 1999 Bonds up to \$300,000 shall be set aside for payment of costs of the Project.

#### SECTION 5. COVENANTS OF THE CITY.

5.01. Debt Service Account. There is hereby established a separate Debt Service Account for payment of principal and interest on the Bonds. The Finance Officer shall deposit in the Debt Service Account such Net Revenues of the City's Parking Ramp System as are necessary to pay the principal of and interest on the Bonds when due; provided that such pledge of Net Revenues is subordinate to all obligations of the City relating to the application of parking revenues heretofore or hereafter made and such deposit shall be made only to the extent the Net Revenues are available therefor.

5.02. Pledge of Full Faith and Credit; Tax Levies. The full faith and credit of the City of Minneapolis are irrevocably pledged for the prompt and full payment of the Bonds and the interest thereon, when due. It is hereby estimated that net parking revenues pledged to the Bonds under Section 5.01 will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Bonds, but the City shall levy, in addition to all other taxes, a direct tax on all taxable property in the City without limitation as to rate or amount, if necessary to pay such principal and interest when due. Without limiting the foregoing, the City shall levy taxes in each year to the extent estimated collections of parking revenues in the following year, together with available amounts on deposit in the Debt Service Account, and other dedicated funds are insufficient to pay principal of and interest on the Bonds in such subsequent year and at least 5.00% in excess thereof. As required by Minnesota Statutes, Section 469.060, there is hereby levied a tax on all taxable property in the City in the years and amounts sufficient to pay the principal of and interest on the Bonds when due and at least 5.00% in excess thereof. The precise amount of the levy shall be determined by the Board of Estimate and Taxation in connection with the sale of the Bonds and transmitted to the County on behalf of this Council. The levy may be reduced as provided in Minnesota Statutes, Section 469.060.

5.03. Tax Covenant. The City shall not take any action or authorize any action to be taken in

connection with the application or investment of the proceeds of the Bonds or any activity in any District which would cause the Bonds to be bonds within the meaning of Section 141 of the Internal Revenue Code of 1986 or arbitrage bonds within the meaning of Section 148 of the Internal Revenue Code of 1986. The City shall take all such action as may be required under the Internal Revenue Code of 1986 to establish or maintain the tax exempt status of the Bonds. If necessary, the City shall refrain from collecting from nongovernmental units lease or other payments which would result in a violation of this Section 5.03.

**SECTION 6. MISCELLANEOUS.**

**6.01. Arbitrage.** The City covenants and agrees with the purchasers and holders of the Bonds that the investments of proceeds of the Bonds, including the investment of any revenues pledged to the Bonds which are considered proceeds under the applicable regulations, and accumulated sinking funds, if any, shall be limited as to amount and yield in such manner that the Bonds shall not be arbitrage bonds within the meaning of Section 148 of the Internal Revenue Code, as amended, and regulations thereunder. On the basis of the existing facts, estimates and circumstances, including the foregoing findings and covenants, the City Council hereby certifies that it is not expected that the proceeds of the Bonds will be used in such manner as to cause the Bonds to be arbitrage bonds under Section 148 and regulations thereunder. The Finance Officer shall furnish an arbitrage certificate to the purchaser embracing or based on the foregoing certification at the time of delivery of the Bonds, and the Finance Officer may make any election permitted under Section 148 on behalf of the City. The Finance Officer may also make such allocations of the application of the proceeds of the Series 1999 Bonds, the Series 1998 Bonds and other funds expected on the Project as he may deem appropriate.

**6.02. Registration.** The City Clerk is hereby authorized and directed to certify a copy of this Bond Resolution and to cause the same to be filed with the Hennepin County Director of Property Taxation, exercising the powers of the County Auditor under Section 475.63, Minnesota Statutes, and to obtain this certificate as to registration of the Bonds.

**6.03. Certification.** The City Clerk, the Finance Officer and other officers and employees of the City are hereby authorized and directed to furnish to the attorneys approving the Bonds, on behalf of the purchasers of the Bonds, certified copies of all

proceedings and certifications as to facts as shown by the books and records of the City, to show the proceedings taken in connection with the Bonds, and the right and authority of the City to issue the Bonds, and all such certified copies and certifications shall be deemed representations of fact on the part of the City.

**6.04. Effective Date.** This resolution shall take effect and be in force from and after its approval and publication.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends approval of appropriation adjustments required for 1998. The agencies listed have currently exceeded their budgets, although several have revenues to offset some or all of the additional appropriation required, as more fully set forth in Petn No 264623 on file in the Office of the City Clerk.

Your Committee further recommends passage of the accompanying resolution amending the 1998 General Appropriation Resolution to incorporate said required adjustments.

Your Committee further recommends summary publication of said resolution.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 99R-055, providing for 1998 appropriation adjustments required for departments that exceeded their 1998 annual budgets, was passed March 5, 1999 by the City Council and approved March 11, 1999 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 99R-055  
By Campbell**

**Amending The 1998 General Appropriation Resolution.**



Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the following funds by the amounts indicated:

<b>FUND</b>	<b>AGENCY</b>	<b>AMOUNT</b>
0100	123	20,000
0100	300	90,200
0100	400	668,500
0100	607	2,400,000
0100	685	<u>630,000</u>
<b>TOTAL GENERAL FUND, 0100</b>		<b>\$3,808,700</b>
0300	127	2,974,551
2600	127	561,000
4100	820	18,000
6200	680	345,000
6400	880	32,000
6900	140	62,681
6900	145	<u>412,400</u>
<b>TOTAL SELF INSURANCE FUND, 6900</b>		<b>\$475,081</b>
7400	690	939,200
7500	835	21,900
7700	664	18,600

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration department requests for re-appropriation of certain items from 1998 to 1999, now recommends passage of the accompanying resolution re-appropriating 1998 balances into 1999 for those items that have met the eligibility criteria for re-appropriation, as recommended by the Budget Office, and as more fully set forth in Petn No 264623 on file in the Office of the City Clerk.

Your Committee further recommends summary publication of said resolution.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 99R-056, providing for re-appropriation of certain items from 1998 to 1999, having met the eligibility criteria for re-appropriation, as recommended by the Budget Office, was passed March 5, 1999 by the City Council and approved March 11, 1999 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 99R-056**  
**By Campbell**

**Amending The 1999 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the following funds:

FUND	AGENCY	AMOUNT
0100	380	\$ 4,832
0100	380	3,063
0100	380	24,523
0100	380	19,000
0100	380	<u>16,725</u>
		68,142
0100	800	<u>27,875</u>
		27,875
0100	835	<u>27,358</u>
		27,358
<b>TOTAL GENERAL FUND</b>		<b>\$123,375</b>
0760	123	<u>2,200,000</u>
		2,200,000
0760	865	6,475
0760	865	167
0760	865	3,086
0760	865	3,603
0760	865	1,237
0760	865	5,744
0760	865	21,049
0760	865	807
0760	865	50,000
0760	865	<u>120,000</u>
		212,168
<b>TOTAL CONVENTION CENTER FUND</b>		<b>\$2,412,168</b>
2100	400	<u>5,655</u>
<b>TOTAL POLICE SPECIAL REVENUE FUND</b>		<b>\$5,655</b>
6100	675	142,974
6100	675	132,441
6100	675	146,111
6100	675	91,420
6100	675	54,350
6100	675	98,222
6100	675	15,055
6100	675	43,566
6100	675	<u>87,239</u>
<b>TOTAL EQUIPMENT FUND</b>		<b>\$811,378</b>
7500	685	165,755
7500	685	<u>454,203</u>
<b>TOTAL PARKING FUND</b>		<b>\$619,958</b>

Adopted. Yeas, 13; Nays none.  
Passed March 5, 1999. J. Cherryhomes, President of Council.  
Approved March 11, 1999. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends approval of the Preliminary Workforce Planning Report, to be used as a guide for development of a model to assist managers in meeting their future human resource needs, as more fully set forth in Petn No 264624 on file in the Office of the City Clerk.

Your Committee further recommends that appropriate staff of the Human Resources Department be directed to continue the steps outlined in the project timeline.

Adopted. Yeas, 13; Nays none.  
Passed March 5, 1999.  
Approved March 11, 1999. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends eliminating the following classification titles, effective January 1, 1999:

- a) Assistant Director, Public Works/Director Transportation and Special Projects; and
- b) Assistant Director, Public Works/Director, Engineering Operations.

Your Committee further recommends reinstating the following classification titles, effective January 1, 1999:

- a) Deputy Director, Public Works;
- b) Director, Traffic Engineering; and
- c) Director, Engineering Operations.

Your Committee further recommends passage of the accompanying salary ordinances providing for said reinstatement.

Your Committee further recommends summary publication of said salary ordinances.  
Adopted. Yeas, 13; Nays none.  
Passed March 5, 1999.  
Approved March 11, 1999. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

Ordinance 99-Or-026, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, amending Section 20.10.01, setting the salary for the position of Deputy Director, Public Works, based on studies conducted by the Department of Human Resources, was passed March 5, 1999 by the City Council and approved March 11, 1999 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 99-Or-026**  
**By Campbell**  
**1st & 2nd Readings: 3/5/99**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)

**Appointed Officials (CAP)**

**Effective: January 1, 1999**

FLSA	OTC	CLASSIFICATION	P	Start	After 1 Year	After 3 Years	After 6 Years
E	1	Deputy Director, Public Works	B	3704	3899	4016	4094

Section 2: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)

**Appointed Officials (CAP)**

**Effective: January 1, 2000**

**Schedule a:**

FLSA	OTC	CLASSIFICATION	P	Start	After 1 Year	After 3 Years	After 6 Years
E	1	Deputy Director, Public Works	B	3797	3996	4116	4196

**Schedule b\*:**

FLSA	OTC	CLASSIFICATION	P	Start	After 1 Year	After 3 Years	After 6 Years
E	1	Deputy Director, Public Works	B	3815	4016	4136	4217

\*Schedule (b), above, shall be in effect should the City's General Fund revenue increase more than 3% for the year 2000 over the 1999 General Fund revenue.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 99-Or-027, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, amending Section 20.10.01, setting the salary for the positions of Director, Engineering Operations and Director, Traffic Engineering, based on studies conducted by the Department of Human Resources, was passed March 5, 1999 by the City Council and approved March 11, 1999 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 99-Or-027**  
**By Campbell**  
**1st & 2nd Readings: 3/5/99**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)

**Public Works Engineers' Association (CEN)**

**Effective: January 1, 1999**

FLSA	OTC	CLASSIFICATION	P	1st STEP	2nd STEP	3rd STEP	4th STEP	5th STEP	6th STEP
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E	1	Director, Engineering Ops	B	2743	2892	3048	3211	3385	3567
E	1	Director, Traffic Engineering	B	2650	2788	2939	3098	3267	3443

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute Amendment #12 to Contract #6544 with Minneapolis Telecommunications Network (MTN), which constitutes MTN's formal link with the City of Minneapolis, for the period from January 1, 1999 through December 31, 1999, in the amount of \$492,224, payable from the Communications Agency in the General Fund (0100-800-8041).

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the lawsuits filed against the City by the following individuals be settled and be payable as follows:

a) Georgiy Yevsin, Lyubov Yevsina and their attorney, Scott Teplinsky, \$7,250, payable from 6900-150-1500-4000; and

b) Tracey Murray and his attorney, Larry Reed, \$33,000, payable from 6900-150-1500-4000.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration a declaratory action, instituted by the City of Minneapolis against Imperial and Casualty Indemnity Company ("Imperial"), now recommends approval of the proposed settlement offer as full and final compromise of all disputed issues regarding coverage of the Wang, Wegner and McGovern lawsuits, to be payable to the City by Imperial, in the amount of \$10,000.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute Amendment #1 to Contract #13214 with Jeffrey R. Brauchle, Esq., to assist the City with condemnation actions in support of the Lyn/Lake Project, extending said contract through December 31, 1999, with all other terms and conditions to remain the same.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends acceptance of the City's portion of the Community Justice Grant from the Department of Children, Families and Learning, in the amount of \$60,000.

Your Committee further recommends that the proper City officers be authorized to execute an agreement with Hennepin County for receipt of said grant funds.

Your Committee further recommends authorization for the addition of .5 Full Time Equivalent (FTE) Attorney position, for a period of two years, with the cost to be covered by said grant, in the amount of \$30,000 each year.

Your Committee further recommends passage of the accompanying resolution increasing the Attorney Agency by \$60,000.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 99R-057**

**By Campbell**

**Amending The 1999 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Attorney Agency in the Grants – Other Fund (0600-140-1410) by \$60,000 and increasing the Attorney Agency revenue estimate in the Grants – Other Fund (0600-140-1410-Source 3215) by \$60,000.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to submit an application to the United States Department of Housing and Urban Development, requesting Economic Development Initiative (EDI) special purpose grant funds on behalf of the Portland Place Project, in the amount of \$300,000.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to submit an application to the United States Department of Commerce, National

Telecommunications and Information Administration, requesting Telecommunications Infrastructure Improvement Assistance Program grant funds, on behalf of the Minneapolis Neighborhood Early Warning System, in the amount of \$450,000.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to submit an application to the Minnesota Department of Trade and Economic Development for Redevelopment Program grant funds, on behalf of the Urban Village Project, in the amount of \$400,000.

Your Committee further recommends passage of the accompanying resolution supporting the grant application and committing to the required local match.

Your Committee further recommends summary publication of said resolution.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 99R-058, supporting the grant application for the Urban Village Project and committing to the required local match, was passed March 5, 1999 by the City Council and approved March 11, 1999 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 99R-058**

**By Campbell**

**Supporting the grant application and committing to the required local match.**

Whereas, the City of Minneapolis shall act as the legal sponsor for the Urban Village Project, as contained in the Redevelopment Grant Program, to be submitted on April 1, 1999; and

Whereas, the proper City officers are hereby authorized to apply to the Department of Trade and Economic Development for funding of said project on behalf of the City of Minneapolis; and

Whereas, the City of Minneapolis has the legal authority to apply for financial assistance and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the sources and amount of the local match identified in the application are committed to the project identified; and

Whereas, the City of Minneapolis has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practices; and

Whereas, the City of Minneapolis may enter into an agreement with the State of Minnesota for the above-referenced project and that the City of Minneapolis certifies that it will comply with all applicable laws and regulations, as stated in all contract agreements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City officers are hereby authorized to execute such agreements as are necessary to implement said project on behalf of the applicant.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to submit an application to the Minnesota Department of Trade and Economic Development for Redevelopment Program grant funds on behalf of the Great Lake Center (Sears Redevelopment), in the amount of \$500,000.

Your Committee further recommends passage of the accompanying resolution supporting the grant application and committing to the required local match.

Your Committee further recommends summary publication of said resolution.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 99R-059, supporting the grant application for the Great Lake Center (Sears Redevelopment) Project and committing to the required local match, was passed March 5, 1999 by the City Council and approved March 11, 1999 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 99R-059**  
**By Campbell**

**Supporting the grant application and committing to the required local match.**

Whereas, the City of Minneapolis shall act as the legal sponsor for the Great Lake Center (Sears Redevelopment) Project, as contained in the Redevelopment Grant Program, to be submitted on April 1, 1999; and

Whereas, the proper City officers are hereby authorized to apply to the Department of Trade and Economic Development for funding of said project on behalf of the City of Minneapolis; and

Whereas, the City of Minneapolis has the legal authority to apply for financial assistance and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the sources and amount of the local match identified in the application are committed to the project identified; and

Whereas, the City of Minneapolis has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practices; and

Whereas, the City of Minneapolis may enter into an agreement with the State of Minnesota for the above-referenced project and that the City of Minneapolis certifies that it will comply with all applicable laws and regulations, as stated in all contract agreements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City officers are hereby authorized to execute such agreements as are necessary to implement said project on behalf of the applicant.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to submit an application to the Minnesota Department of Trade and Economic Development for Redevelopment Program grant funds on behalf of the Penn/Lowry Redevelopment Project, in the amount of \$450,000.

Your Committee further recommends passage of the accompanying resolution supporting the grant application and committing to the required local match.

Your Committee further recommends summary publication of said resolution.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 99R-060, supporting the grant application for the Penn/Lowry Redevelopment Project and committing to the required local match, was passed March 5, 1999 by the City Council and approved March 11, 1999 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 99R-060**  
**By Campbell**

**Supporting the grant application and committing to the required local match.**

Whereas, the City of Minneapolis shall act as the legal sponsor for the Penn/Lowry Redevelopment Project, as contained in the Redevelopment Grant Program, to be submitted on April 1, 1999; and

Whereas, the proper City officers are hereby authorized to apply to the Department of Trade and Economic Development for funding of said project on behalf of the City of Minneapolis; and

Whereas, the City of Minneapolis has the legal authority to apply for financial assistance and the institutional, managerial, and financial

capability to ensure adequate project administration; and

Whereas, the sources and amount of the local match identified in the application are committed to the project identified; and

Whereas, the City of Minneapolis has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, the City of Minneapolis may enter into an agreement with the State of Minnesota for the above-referenced project and that the City of Minneapolis certifies that it will comply with all applicable laws and regulations, as stated in all contract agreements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City officers are hereby authorized to execute such agreements as are necessary to implement said project on behalf of the applicant.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to submit an application to the United States Department of Housing and Urban Development, requesting Economic Development Initiative (EDI) special purpose grant funds on behalf of the restoration of Dania Hall, in the amount of \$300,000.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute a contract with U. S. West Communications Services, Inc. (US WEST) to provide emergency and preventive services to support and maintain the 911 on-premises phone equipment for the Minneapolis Emergency Communications Center, in the amount of \$16,156.26, payable from the Police Department Agency in the General Fund (0100-400-4181), all



subject to final review by the City Attorney's Office.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute Amendment #1 to Contract #13122 with Keane, Inc, to provide information and technology services primarily relating to Y2K issues, increasing the contract amount by \$2,000,000, for a new contract total of \$4,000,000, with \$1,600,000 to be payable from Strategic Information Systems Project Planning (SISPP) Agency in the Permanent Improvement Projects Fund (4100-972-A880) and \$400,000 to be payable from Information and Technology Services Agency in the Intergovernmental Services Fund (6400-880-8810).

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration clean-up of the Schnitzer Iron and Metal site, in partnership with the City of St. Paul and the University of Minnesota, now recommends that appropriate staff of the City Attorney's Office be authorized to accept future payments (on behalf of the City) into the Schnitzer Site Settlement Fund, which reduces Minneapolis Community Development Agency (MCDA) tax increment financing obligations for the City's portion of the clean-up cost.

Your Committee further recommends that the City Finance Officer be authorized to assist the City Attorney's Office with information providing for appropriate processing and allocation of payments.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **ZONING & PLANNING** Committee submitted the following report:

**Z&P**—Your Committee, to whom was referred the subject matter of rescinding Council action of

March 28, 1997, granting the petition of Eighth Street Development Company (a subsidiary of Dayton Hudson Corp) (P-1013A, B, C &D) to rezone 1001-21 LaSalle Av, 55-61 10th St S, 1000-24 Nicollet Mall, and 60-74 11th St S from the B4S-2 to the B4-2 District to permit development of an office building to be built in two phases, and rescinding the accompanying amendment to the Zoning Ordinance, No 97-Or-038, now recommends that said Council action be rescinded and that the accompanying ordinance repealing Ordinance No 97-Or-038 be approved, in accordance with the Findings of Fact prepared by the City Attorney's Office and on file in the Office of the City Clerk and made a part of this report by reference.

McDonald moved to substitute a new report for the above report. Seconded.

Adopted by unanimous consent.

McDonald moved approval of the following report.

#### **VETOED BY THE MAYOR**

**Z&P**—Your Committee recommends passage of the accompanying resolution authorizing a 40-Acre Study for Downtown Minneapolis.

Adopted. Yeas, 7; Nays, 6 as follows:

Yeas – Biernat, Niland, Goodman, Mead, Minn, McDonald, Ostrow.

Nays – Campbell, Colvin Roy, Herron, Johnson, Thurber, Cherryhomes.

Passed March 5, 1999.

Vetoed March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 99R-061**

**By Ostrow**

#### **Authorizing a 40-Acre Study for Downtown Minneapolis.**

Whereas, the Minneapolis Downtown 2010 Plan was approved in October, 1996; and

Whereas, the Minneapolis City Council has forwarded its proposed Comprehensive Plan for the City of Minneapolis to the Metropolitan Council; and

Whereas, the proposed Comprehensive Plan may result in current zoning in the downtown area being inconsistent with or not promoting the implementation of the 2010 Plan and Comprehensive Plan; and

Whereas, the Minneapolis Planning Department has already begun studying those

parcels found in plate 19 of the Minneapolis Zoning Code to determine whether the current zoning may be inconsistent with the proposed Comprehensive Plan and has scheduled neighborhood workshops to review its findings; and

Whereas, such a study encompasses an area greater than 40 acres within the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That in consideration of the above facts, the Minneapolis Planning Department is directed to present a study, findings and proposal on rezoning in the downtown area found in plate 19 of the Minneapolis Zoning Code to the Minneapolis Planning Commission by May 6, 1999, and that any recommendations to amend the Comprehensive Plan and Downtown 2010 Plan be forwarded to the Metropolitan Council for their review.

Adopted. Yeas, 7; Nays, 6 as follows:

Yeas – Biernat, Niland, Goodman, Mead, Minn, McDonald, Ostrow.

Nays – Campbell, Colvin Roy, Herron, Johnson, Thurber, Cherryhomes.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Vetoed March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(See Unfinished Business next meeting.)

Ostrow gave notice of intent to introduce the subject matter of an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances to provide for a moratorium on development on the Nicollet Mall from 1st Street South to Grant Street including all zoning lots abutting the Nicollet Mall at the adjourned session of the City Council to be held March 16, 1999, at 7:00 p.m. for first reading and referral to the Zoning and Planning Committee for setting of a public hearing.

#### MOTIONS

Campbell, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of April 1999 be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Campbell moved that the "1999 City Council Committee Schedule and Members" be amended as follows:

1. That Council Member Lisa McDonald be appointed to serve on the Ways & Means/Budget Committee in place of Council Member Minn. That, at her request, she then be removed from the Intergovernmental Relations Committee.

2. That Council President Cherryhomes will fill the Intergovernmental Relations Committee vacancy, until the new Council Member is elected in the 13th Ward.

3. That Council Member Joan Campbell be appointed to serve on the Zoning & Planning Committee in place of Council Member Minn. That, at her request, she then be removed from the Health & Human Services Committee.

4. That the vacancy created on Health & Human Services Committee will remain vacant until the new Council Member is elected in the 13th Ward.

5. That Council Vice-President Joe Biernat be appointed to serve on the Executive Committee in place of Council Member Minn.

6. That Council Vice-President Joe Biernat will fill the Transportation & Public Works seat held by Council Member Minn until a new Council Member is elected in the 13th Ward.

7. That Council Member Barbara Johnson will serve as the Chair of the Taxes Committee. Seconded.

Adopted upon a voice vote.

#### RESOLUTION

##### RESOLUTION 99R-062

**By Ostrow, Biernat, Campbell,  
Johnson, Cherryhomes,  
Niland, Goodman,  
Herron, Thurber, McDonald,  
Mead, Colvin Roy**

**Honoring Council Member  
Steve Minn.**

Whereas, Council Member Steve Minn was the only Council Member to have the audacity to create a Tax Increment District at 50th and France; and

Whereas, when other neighborhoods were clamoring for a coffee shop, Steve Minn organized a neighborhood meeting of 350 people to stop a coffee shop; and

Whereas, Steve was the only Council Member to have his office bugged; and

Whereas, Steve served as the perfect foil for Joan Campbell during budget discussions; and

Whereas, Steve has raised the act of caucusing in a telephone booth to an art form; and

Whereas, Steve tweaked Council Member Niland's interpretation of Council Rules and Roberts Rules of Order; and

Whereas, Steve was the first Reform Party endorsed candidate to be elected to the Minneapolis City Council; and

Whereas, Steve formed the Fiscal Moderate Caucus to maintain a zero tax rate increase for four years; and

Whereas, Steve is the only Council Member who thinks that Spam comes in something other than a can; and

Whereas, Steve worked with the Minnehaha Creek Watershed District to build the second wetland in the City; and

Whereas, Steve is the only Council Member to call in the pollution control people to prevent a coffee roaster from burning his beans; and

Whereas, Steve, to whet the whistle of the otherwise dry 13th Ward, wrote a charter amendment to allow for the sale of wine and beer where it was previously prohibited;

Whereas, Steve was designated the favorite dunk tank target at the City picnic and holds the record for most dunk attempts by the Committee Coordinators; and

Whereas, Steve set historical precedent by being the only Council Member to unilaterally and consistently refuse to involve the Council in national and international affairs by always voting against resolutions like these; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis City Council expresses appreciation and thanks to Council Member Steve Minn for his service to the City of Minneapolis.

Be It Further Resolved that the Minneapolis City Council congratulates Steve Minn on his appointment as State Public Service Commissioner.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

## UNFINISHED BUSINESS

Rental Dwelling License at 1035 17th Av SE: Concur with recommendation of Rental Dwelling License Board of Appeals to revoke license held by Erik Johnson (Postponed 10/16/98, PS&RS)

Niland moved to continue postponement. Seconded.

Adopted upon a voice vote.

Septran Inc, 3948 Nicollet Av: Deny appeal for nonconforming use certificate to allow gas station and repair garage, grant appeal for variance. (Postponed 10/30/98, Z&P)

Niland moved to continue postponement. Seconded.

Adopted upon a voice vote.

**Z&P** – Your Committee, having under consideration the Minneapolis Special School District No 1 applications to rezone the block bounded by E Lake St, E 31st St, 21st Av S and 22nd Av S from the R2B, R6 and B3S-1 Districts to the B1-1 District (P-1041) and to vacate the alley in said block (Vac #1251) to permit an Urban Sports Center and YWCA Community Center in said block, now concurs in the recommendation of the Planning Commission, as follows:

a. approval of said alley vacation application on condition that the easement requested by MNDOT be granted, and passage of the accompanying resolution; and

b. adoption of the related findings set forth in the revised Planning Department staff report in Petn No 264309.

Your Committee further recommends summary publication of the above-described resolution.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 99R-063 entitled "Vacating a portion of the alley between Lake and 31st Streets East, 21st and 22nd Avenues South." relating to applications of the Minneapolis Special School District No 1 to rezone the block bounded by E Lake St, E 31st St, 21st Av S and 22nd Av S, was passed March 5, 1999, by the City Council and approved March 11, 1999, by the Mayor. A complete copy of this resolution is

available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 99R-063**

**By McDonald**

**Vacating a portion of the alley between Lake and 31<sup>st</sup> Streets East, 21<sup>st</sup> and 22<sup>nd</sup> Avenues South.**

Resolved by The City Council of The City of Minneapolis:

That all that part of the alley in Blocks 1 and 3, Griswolds 2<sup>nd</sup> Addition, except the north 8 feet thereof, is hereby vacated except that such vacation shall not affect the existing easement right and authority of Minnesota's Department of Transportation (MNDOT), their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporations as follows, to wit:

As to MNDOT: the north eight (8) feet to operate, maintain, repair, alter, inspect or remove its above-described utility facilities, and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said alley upon or within the above-described areas without first obtaining the written approval of the corporations having utility facilities located within the area involved authorizing them to do so.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** – Your Committee, having under consideration the matter of issuing revenue bonds on behalf of Shelter Care Foundation to finance acquisition, ownership and operation of an existing 256-bed skilled nursing facility at 3720 – 23rd Ave S, and the Council having granted preliminary approval to issue such bonds on December 18, 1998, now recommends passage of the accompanying resolution giving final approval to the issuance of up to \$25 million in Tax-exempt

Revenue Bonds Series 1999 A & B for Shelter Care Foundation (Petn No 264455).

Your Committee further recommends summary publication of the above-described resolution.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 99R-064, relating to the City of Minneapolis, Minnesota Health Care Facilities Revenue Bonds (Shelter Care Foundation Project); authorizing the issuance thereof pursuant to Minnesota Statutes, Chapter 469, was passed March 5, 1999 by the City Council and approved March 11, 1999 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 99R-064**

**By Niland**

**Relating to the City of Minneapolis, Minnesota Health Care Facilities Revenue Bonds (Shelter Care Foundation Project); authorizing the issuance thereof pursuant to Minnesota Statutes, Chapter 469.**

Resolved by The City Council of The City of Minneapolis:

**Section 1. Definitions.**

1.01. In this Resolution the following terms have the following respective meanings unless the context hereof or use herein clearly requires otherwise:

"Act" means Minnesota Statutes, Chapter 469, as amended;

"Agreement" means the Loan Agreement to be entered into among the City and the Borrower relating to the Bonds;

"Bonds" means the Series 1999A Bonds and the Series 1999B Bonds;

"Bond Documents" means the Agreement, the Bond Purchase Agreement, the PILOT Agreement and the Indenture;

"Bond Purchase Agreement" means the Bond Purchase Agreement with respect to the Bonds, by and between the City, the Borrower and Miller & Schroeder Financial, Inc.;

"Borrower" means Shelter Care Foundation, a District of Columbia nonprofit corporation, its successors and assigns;

"Holder" means a holder of the Bonds;

"Indenture" means the Indenture of Trust to be entered into among the City and the Trustee relating to the Bonds;

"PILOT Agreement" means the agreement regarding payments in lieu of taxes to be entered into among the City and the Borrower with respect to the Project;

"Project" means the facility to be financed with the proceeds of the Bonds, as further defined in the Agreement;

"Resolution" means this resolution of the City;

"Series 1999A Bonds" means the Health Care Facilities Revenue Bonds (Shelter Care Foundation Project) to be issued by the City pursuant to this resolution in the aggregate principal amount of not to exceed \$22,000,000, a portion of which may bear taxable interest if required by the provisions of the Internal Revenue Code of 1986, as amended;

"Series 1999B Bonds" means the Health Care Facilities Revenue Bonds (Shelter Care Foundation Project) to be issued by the City pursuant to this resolution in the aggregate principal amount of not to exceed \$3,000,000; and

"Trustee" means U.S. Bank Trust National Association.

## **Section 2. Findings.**

2.01. It is hereby found and declared that:

(a) based upon representations made to the City by representatives of the Borrower as to the nature of the Project as described in the Agreement, the Project constitutes a project authorized by the Act;

(b) the purpose of the Project is and the effect thereof is to promote the provision of necessary health care facilities;

(c) the financing of the Project, the issuance and sale of the Bonds, the execution and delivery of the Bond Documents and the performance of all covenants and agreements of the City contained in the Bonds and the Bond Documents and of all other acts and things required under the charter of the City and the Constitution and laws of the State of Minnesota to make the Bonds and the Bond Documents valid and binding obligations of the City in accordance with their terms are authorized by the Act;

(d) it is desirable that the Bonds be issued by the City upon the terms set forth herein and that the City pledge its interest in the Agreement and grant a security interest therein to the Trustee as security for the payment of the principal of, premium, if any, and interest on the Bonds;

(e) the loan payments contained in the Agreement are fixed and are required to be revised from time to time as necessary, so as to produce income and revenue sufficient to provide for prompt payment of the principal of, premium, if any, and interest on the Bonds when due, and the Agreement also provides that the Borrower is required to pay all expenses of the operation and maintenance of the Project, including, but not limited to, adequate insurance thereon and all taxes and special assessments levied upon or with respect to the Project and payable during the term of the Agreement;

(f) under the provisions of Minnesota Statutes, Section 469.162, the Bonds are not to be payable from nor charged upon any funds of the City other than the revenue pledged to the payment thereof; the City is not subject to any liability thereon; no Holder of the Bonds shall ever have the right to compel any exercise of the taxing power of the City to pay the Bonds or the interest thereon nor to enforce payment thereof against any property of the City; the Bonds, premium, if any, and interest thereon shall not constitute an indebtedness of the City within the meaning of any constitutional, charter or statutory limitation and shall not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers and shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City other than its interest in the Project;

(g) the execution and delivery of the Bonds and the Bond Documents shall not conflict with or constitute, on the part of the City, a breach of or a default under any existing agreement, indenture, mortgage, lease or other instrument to which the City is subject or is a party or by which it is bound; provided that this finding is made solely for the purpose of estopping the City from denying the validity of the Bonds or the Bond Documents by reason of the existence of any facts contrary to this finding;

(h) no litigation is pending or, to the best knowledge of the members of this City Council, threatened against the City questioning the organization of the City or the right of any officer of the City to hold his or her office or in any manner

questioning the right and power of the City to execute and deliver the Bonds or otherwise questioning the validity of the Bonds or the execution, delivery or validity of the Bond Documents or questioning the pledge of revenues to payment of the Bonds or the right of the City to loan the proceeds of the Bonds to the Borrower;

(i) all acts and things required under the Constitution and the laws of the State of Minnesota to make the Bonds and the Bond Documents the valid and binding obligations of the City in accordance with their terms shall have been done upon adoption of this Resolution and execution of the Bonds and Bond Documents; provided that this finding is made solely for the purpose of estopping the City from denying the validity of the Bonds or the Bond Documents by reason of the existence of any facts contrary to this finding; and

(j) the City is duly organized and existing under the Constitution and the laws of the State of Minnesota and is authorized to issue the Bonds in accordance with the Act.

### **Section 3. Authorization and Sale.**

3.01. Authorization. The City is authorized by the Act to issue revenue bonds and loan the proceeds thereof to business enterprises to finance the acquisition, construction and installation of facilities constituting a "project," as defined in the Act, and to make all contracts, execute all instruments and do all things necessary or convenient in the exercise of such authority.

3.02. Approval of Documents. Pursuant to the foregoing, there have been prepared and presented to the City Council copies of the following documents, all of which are now or shall be placed on file in the office of the Minneapolis Community Development Agency:

- (a) the Agreement;
- (b) the Bond Purchase Agreement;
- (c) the Indenture; and
- (d) The PILOT Agreement.

The forms of the documents listed in (a) through (d) above are approved, with such variations, insertions and additions as are deemed appropriate by the parties and approved by the City.

### **Section 4. Authorizations.**

4.01. Upon the completion of the Bond Documents approved in Section 3.02 hereof and the execution thereof by the other parties thereto, the Mayor, the City Clerk (or Assistant City Clerk) and the Finance Officer (or Assistant Finance Officer) shall execute the same on behalf of the City and the foregoing persons shall execute the

Bonds, in substantially the form approved in paragraph 5.01 hereof, on behalf of the City, and the foregoing persons and other officers of the City shall execute such other certifications, documents or instruments as bond counsel shall require, subject to the approval of the City, and all certifications, recitals and representations therein shall constitute the certificates, recitals and representations of the City. Execution of any instrument or document by one or more appropriate officers of the City shall constitute and shall be deemed the conclusive evidence of the approval and authorization by the City and the City Council of the instrument or document so executed.

### **Section 5. The Bonds.**

5.01. Form and Authorized Amount. The Bonds shall be issued substantially in the form described in the Indenture with such appropriate variations, omissions and insertions as are permitted or required by this Resolution. The terms of the Bonds are set forth therein, and such terms, including, but not limited to, provisions as to interest rate, dates and amount of payment of principal and interest and prepayment privileges, are incorporated by reference herein. The average weighted interest rate on the Series 1999A Bonds shall not exceed an annual rate of 7.00%, and the average weighted interest rate on the Series 1999B Bonds (which are subordinate to the Series 1999A Bonds) shall not exceed an annual rate of 9.00%.

5.02. Execution. The Bonds shall be executed on behalf of the City by the persons described in Section 4.01 hereof and shall be sealed with its corporate seal or a facsimile thereof and the Certificate of Authentication signed by the Trustee. In case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery thereof, such signature shall, nevertheless, be valid and sufficient for all purposes.

5.03. Delivery and Use of Proceeds. Prior to delivery of the Bonds, the documents referred to in Section 3.02 hereof shall be completed and executed in form and substance as approved by the City. The City shall thereupon deliver to the Trustee the Bonds together with a certified copy of this Resolution and such closing certificates as are required by bond counsel.

### **Section 6. Limitations of the City's Obligations.**

6.01. Notwithstanding anything contained in the Bonds or the Bond Documents, the Bonds,

premium, if any, and interest thereon shall not constitute an indebtedness of the City within the meaning of any constitutional, charter or statutory limitation and shall not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers and shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than its interest in the Project, and no Holder of the Bonds shall ever have the right to compel any exercise of the taxing power of the City to pay the Bonds or the interest thereon or to enforce payment thereof against any property of the City other than its interest in the Project. The agreement of the City to perform the covenants and other provisions contained in this Resolution, the Bonds or the Bond Documents shall be subject at all times to the availability of revenues furnished by the Borrower sufficient to pay all costs of such performance or the enforcement thereof, and neither the City nor any of its officers, employees or agents shall be subject to any personal or pecuniary liability thereon.

**Section 7. City Representative.**

7.01. The Finance Officer or Assistant Finance Officer of the City is hereby designated and authorized to act on behalf of the City for purposes of the Indenture and the Agreement.

**Section 8. Governmental Program.**

8.01. The Bonds are hereby designated "Program Bonds" and are determined to be within the "Health Care Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999. J. Cherryhomes, President of Council.

Approved March 11, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, to whom was referred back on February 5, 1999 a report relating to a liquor license application submitted by JD & Associates Inc, dba Vinnie's Restaurant, 1501 S 6th St (change in ownership from Minnesota Bar Inc), now recommends that an On-Sale Liquor Class C-2 with Sunday Sales license expiring January 1, 2000 be granted to Vinnie's Restaurant, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 13; Nays none.

Passed March 5, 1999.

Approved March 5, 1999. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published March 9, 1999)

**CONSIDERATION OF  
MAYOR'S VETO**

The Council had before it Mayor Sayles Belton's veto of the report of the Transportation & Public Works and Ways & Means/Budget Committees passed by the Council February 5, 1999, relating to a Regional Radio System, which matter was postponed by the Council February 19, 1999, to this date.

The question before the Council being "Shall the report pass notwithstanding the objections of the Mayor", there were:

Yeas, 9; Nays 4, as follows:

Yeas – Campbell, Goodman, Colvin Roy, Herron, Minn, McDonald, Johnson, Thurber, Cherryhomes.

Nays – Biernat, Niland, Mead, Ostrow.

The vote on the question being more than the two thirds majority required by the Charter to pass the motion over the objections of the Mayor, said veto was overridden.

**CITY OF MINNEAPOLIS  
CERTIFICATION**

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) SS  
CITY OF MINNEAPOLIS )

I, MERRY KEEFE, City Clerk of the City of Minneapolis, County of Hennepin, State of Minnesota, do hereby certify that the foregoing action was passed by the City Council of the City of Minneapolis at the regular meeting of February 5, 1999, and was returned by Mayor Sayles Belton with her veto, stating her objections thereto, at the regular meeting of February 19, 1999.

I do further certify that, at the regular meeting of the City Council held March 5, 1999, said action was passed, notwithstanding the objections of the Mayor, by a vote of two-thirds of all the members of the City Council; the vote being:

Yeas, 9; Nays, 4 as follows:

Yeas – Campbell, Goodman, Colvin Roy, Herron, Minn, McDonald, Johnson, Thurber, Cherryhomes.

Nays – Biernat, Niland, Mead, Ostrow.

(Total number of Council Members in the City Council: 13.)

Therefore, in accordance with the provisions of Chapter 3, Section 1, of the Charter of said City, said actions have become and are valid, and I hereby certify that said actions have the same force and effect as if approved by said Mayor.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Minneapolis this 8th day of March, 1999.

MERRY KEEFE,  
City Clerk.

Campbell moved that staff be directed to report to the Transportation & Public Works and Ways & Means/Budget Committees with an update on the 800 MHZ contract prior to signature and the workout plans. Seconded.

Niland moved that the above motion be amended to add that before any contract is executed, the Council has to approve the deal points and budget workout plan for the contract. Seconded.

Adopted upon a voice vote.  
(Republished March 18, 1999)

Cherryhomes moved that when this Council adjourns, it adjourns to Tuesday, March 16, 1999, at 7:00 p.m. and that such meeting be and is hereby declared to be an adjourned session of the regular meeting of March 5, 1999, for the purpose of considering the adequacy of the Environmental Impact Statement (EIS) on the 1000 Nicollet Mall Project, and to conduct any other business deemed necessary at that time. Seconded.

Adopted. Yeas, 13; Nays none.  
Adjourned.

MERRY KEEFE,  
City Clerk.  
99-1848